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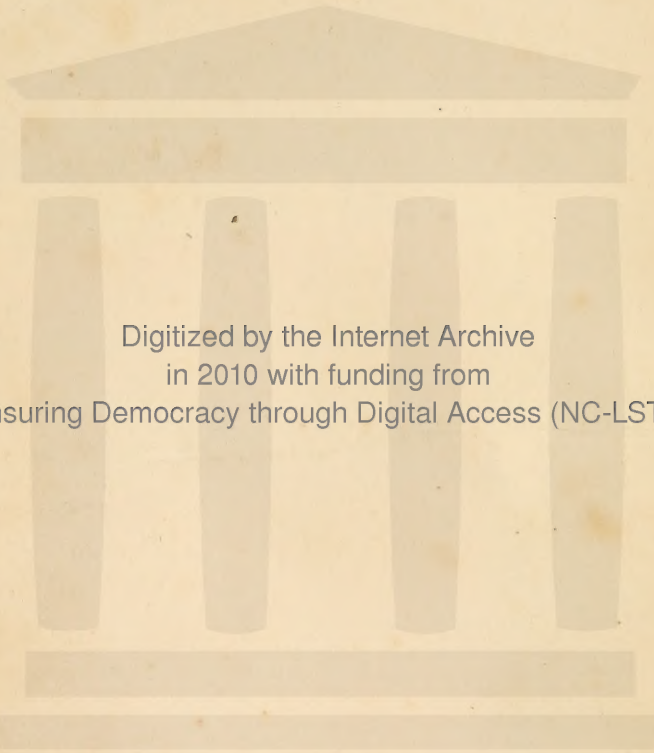
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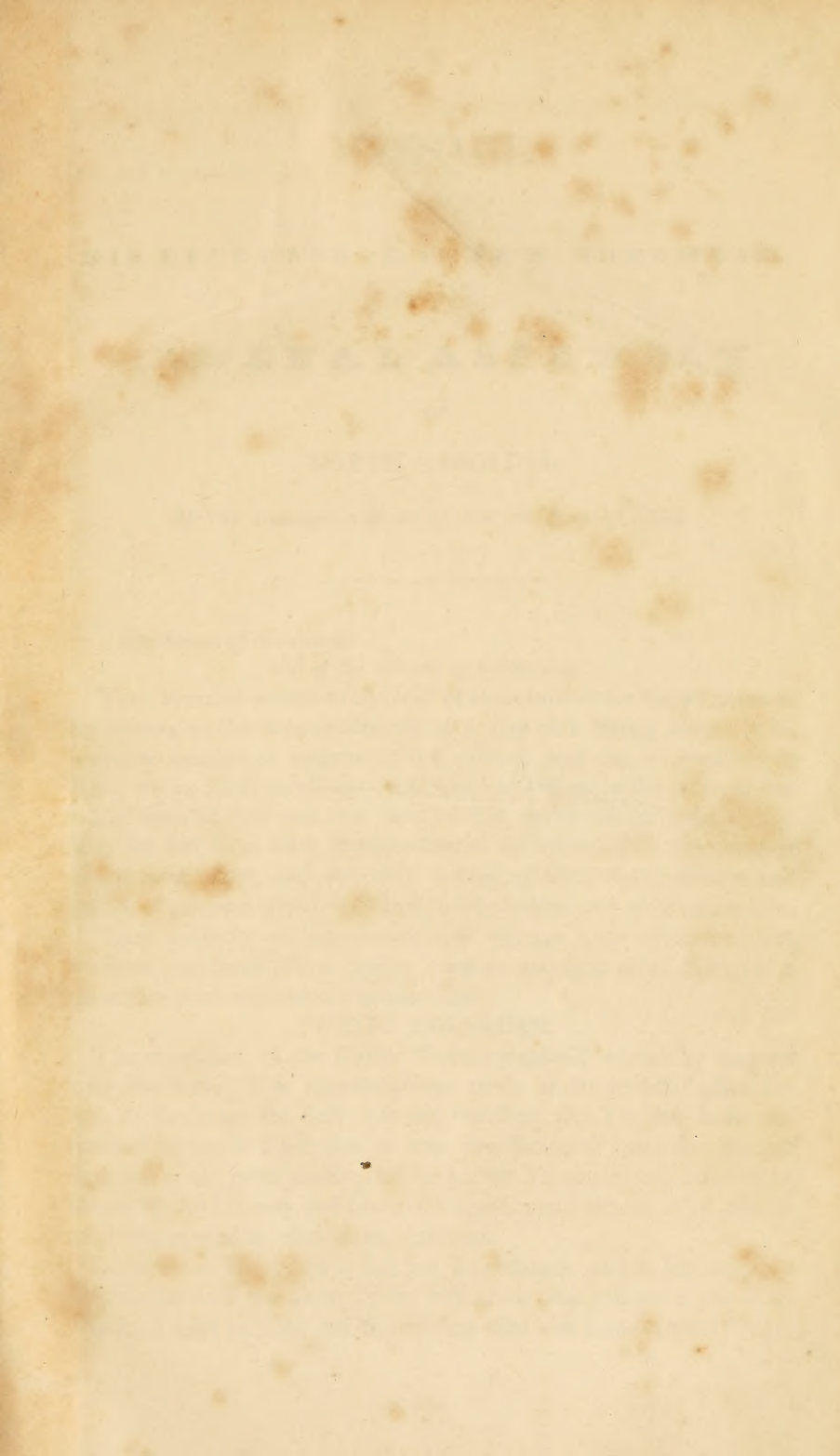
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MESSAGE
OF
HIS EXCELLENCY JOHN M. MOREHEAD
TO THE
GENERAL ASSEMBLY
OF
NORTH CAROLINA,

At the commencement of the Session of 1844.

*Gentlemen of the Senate
and of the House of Commons:*

Your biennial return to the seat of Government for the purposes of legislation, as the representatives of a free and happy people, is always an occasion of interest to the patriot, and one of gratitude to Him, whose kind providence directed our fathers in the paths of political wisdom, and cast our lots in this favoured and happy land. May we not hope for a continuance of the same favors, by walking in the same paths, and devoutly asking of Him that guidance and purity of purpose which will lead to wholesome and wise legislation.

Many subjects of importance will engage your attention, but whether you deem this a proper time to act upon all of them, is a matter for your deliberate consideration.

PUBLIC FINANCES.

The condition of the Public Treasury should especially engage your attention. The appropriations made at the session before the last, to discharge the debt due for building the Capitol, so far exhausted the public fund, that it was insufficient to meet the current expenses of the government; and the public Treasurer was directed to borrow of the Literary and Internal Improvement Boards what money might be needed to meet those expenses.

Reference to his report to the last Legislature and to his monthly settlements with the Comptroller, will show the amount of the Literary fund used by him, and the amount that was kept on hand for his

use; as it was deemed better that the State should use these funds, than go elsewhere to borrow.

The current expenses of the State and the long session of the last Legislature, left the public Treasury, at its rise, nearly or quite exhausted, except as to the funds belonging to the Boards.

The last Legislature, aware of the condition of the Treasury, and, being called upon to make provision to meet the payment of \$50,000 of the bonds of the Wilmington and Raleigh Rail Road falling due in Jan., 1843, and endorsed by the State, directed the Literary Board to redeem those Bonds; and, finding it necessary likewise to make provision to meet the interest falling due on the bonds of the Raleigh and Gaston Rail Road Company, endorsed by the State, and to raise funds to meet the current expenses of the State until the taxes of 1843 should be paid into the Treasury, authorised the public Treasurer to borrow the sum of \$50,000 from one of the Boards or of the Banks of the State; and, being likewise desirous to do something for the relief of the people, it directed the Literary Board to loan out its funds. At the time these requirements of the Board were made, it had less than \$50,00 in the Treasury, about \$100,000 in bonds upon individuals, and the balance of its funds in stocks and permanent securities.

The Literary board, desirous to meet that high confidence manifested by the Legislature in their financial skill, pressed collections, and with the cash in hand redeemed the \$50,000 of Rail Road bonds; and by the assistance of the funds of the Board of Internal Improvement, and those the Literary Board had been able to pay into the Treasury, the public Treasurer has been enabled to meet all demands at the Treasury, without borrowing elsewhere, notwithstanding \$50,000 of the bonds of the Wilmington and Raleigh Rail Road, which fell due in January, 1844, endorsed by the State, had to be paid by the Treasurer.

The Literary Board did not believe that it was intended by the Legislature that its stocks and other securities should be sold to raise a fund to be loaned to the people, and however much the Board regretted the disappointment so many were destined to experience (for applications for loans were very numerous,) it was unable to avoid it and render the State, to which the Board owed its first duty, that aid which it needed.

It is evident, upon the slightest reflection, how embarrassing it is to the Boards charged with the management of the Literary and Internal Improvement funds, to be required to hold these funds sub-

ject to the requirements of the Public Treasury, and to be prevented from investing them in some profitable and permanent investment, whereby a large amount of interest is lost.

I therefore recommend that ample and permanent provision be made to supply the Public Treasury, and that whatever interest ought justly to be due to the two Boards, upon their funds kept in the Treasury for the public service, be paid over to the Literary Board, to go into the distribution fund for the use of "Common Schools."

RAIL ROADS.

As the embarrassments of the Treasury arise in part from the connection of the State with our Rail Roads, it becomes a matter of absorbing interest to devise the means whereby their usefulness to the public may be continued, and the State at the same time sustain no detriment on account of her liabilities for these roads.

The difficulties under which these roads labor, arise from their indebtedness for their construction. The Wilmington and Raleigh Rail Road, including the sea route to Charleston, cost some two millions of dollars, while the stock paid in amounted to about thirteen hundred and fifty thousand dollars only, leaving the balance of the cost of construction a debt against the corporation, the interest of which absorbs a large portion of its receipts. So of the Raleigh and Gaston Rail Road. It cost about one million five hundred thousand dollars, while its stock paid in was only about six hundred and fifty thousand dollars, leaving the balance of its cost of construction a debt against the corporation, the interest of which absorbs all its receipts, after defraying the current expenses.

To aid these corporations, the State, under acts of the Legislature, passed for the purpose, endorsed for the latter \$800,000 dollars of its bonds, none of which are yet due; and for the former \$300,000 of its bonds, half of which have fallen due and been paid or redeemed—\$50,000 by the corporation itself; \$50,000 have been redeemed by the Literary Board, as directed by the Legislature; \$50,000 have been paid by the Public Treasurer; and \$50,000 continues to fall due each succeeding January, until all fall due; to meet which, the Legislature must make provision in the event the corporation fails to pay.

To secure the State against any loss upon these endorsements, deeds of mortgage have been executed, as required by the acts, upon all the property and effects of these roads. It is respectfully submitted to your wisdom to adopt such course, in relation to these roads, as will secure the public interest.

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In regard to the Wilmington and Raleigh Rail Road, it should be remembered that the State is owner of \$600,000 of its capital stock, and, therefore, whatever course may be pursued, as to the State's liability upon its endorsement, due regard should be had to this stock; that it may be protected as far as possible, without involving the State in further difficulties. And further, the State being the principal stockholder in the corporation, her honor requires that its debts should be paid, without any reference whatever to her mere legal liabilities. She holds a large portion of the stock—she holds the road, steamboats and all its effects of value, under mortgage to indemnify her—and creditors must rely mainly on the liberality of the State to permit them to get their money from the corporation.

It is believed, from the success attending the operations of this road, notwithstanding its heavy losses by fire and at sea, that if indulged for a few years, it will be able to meet all its liabilities, and extricate itself from debt, and appreciate the value of its stock.

This indulgence, it is believed, may be easily given without any further risk to the State.

Already the Literary Board holds of the bonds of this corporation, endorsed by the State as before stated, \$50,000; the State Treasurer holds \$50,000 more, paid for by him out of the funds of the same Board lying in the Treasury; and the Literary Board, by collecting in its debts, will be enabled to take up the other bonds, or, at least, the larger part of them, as fast as they fall due. And I doubt not the corporation would promptly pay the interest to procure indulgence on the principal, whereby it will be enabled to meet other liabilities which press, and sometimes embarrass, its operations.

The Literary Fund should be in *safe* and *certain* investments. What safer or more certain investments could this fund have, than in these bonds? Safe, because the State is security, and has a mortgage upon property, costing over two millions of dollars, to secure their payment; certain, because they yield semi-annually three per cent. interest; which does not fluctuate like the dividends of Bank Stock.

Should this course be adopted, the Board will be aided and relieved; the Literary Fund will have a safe and certain investment; and the State will be no further involved.

Whether you will adopt this or some wiser course, is submitted to your consideration. But whatever course is pursued, ample provision should be made to sustain the credit of the State, in every possible contingency.

In regard to the Raleigh and Gaston Rail Road, this work too was

constructed, as before stated, mostly upon credit—the balance due for its construction, after exhausting the whole of the stock subscribed, amounting to a sum much larger than the whole stock.

This corporation having failed in January, 1843, to pay the interest due on its bonds endorsed by the State, the Public Treasurer promptly paid it, and preserved the faith of the State, and has continued to do so ever since. The amount thus paid will appear from his report.

A Bill in Equity has been filed according to the requirements of the acts authorising the endorsement, to sequester the profits of the Road to indemnify the State—and a receiver has been appointed. It is believed that the receipts of this Road for years to come will be insufficient to keep it in repair and pay the interest upon its debt; consequently its debt must continue to increase. It is, therefore, respectfully submitted whether it would not be better for the stockholders, the State, and the public, that the road and its effects should be disposed of under the mortgages; so that whether it falls into the hands of the State or into the hands of a new set of stockholders, incorporated for the purpose—it may be disembarassed; for little doubt is entertained, that with even its present prospects, it will not only keep itself in repair, but will yield besides a considerable income.

Should you determine to take this course, such steps should be adopted as will be best calculated to enhance the value of the property. This course is due to the State to protect her against her liabilities—it is due to those individuals who voluntarily entered into bonds to the amount of \$500,000, to indemnify the State against her endorsement; and it is due to the stockholders to make the property, if possible, bring more than the amount of the debts due from the corporation: so that the stock may not be an entire loss.

And, in connection with this subject, I will respectfully refer you to the message submitted by myself to the last Legislature, relative to effecting a communication by rail road between this road and the several rail roads which terminate at Weldon, and to constructing a turnpike from Raleigh westward. These two improvements would greatly enhance the utility and value of the Raleigh and Gaston Rail Road, and I doubt not, would cause it to bring a much higher price.

Since the adjournment of the last Legislature, a portion of the Portsmouth and Roanoke Rail Road, within the limits of this State, was torn up and rendered impassable, by an individual claiming it as a purchaser, at a sale made under an execution against the corpora-

tion, whereby the travel and transportation on the road were for a time obstructed. The legality of the course pursued by the purchaser has undergone judicial investigation, and the matter is now pending before the Supreme Court.

It is not my design to express or intimate an opinion as to the propriety or legality of the course pursued by the purchaser.

The interest which stockholders have in a corporation created for the public use and convenience, should be subject to their debts; and the property held by such corporation should be liable to its debts; but this interest and property should be reached by the creditor in such way as not to put the public to inconvenience, destroy the franchise, and defeat the object had in view by the Legislature in its creation. If there be no law to enable creditors to reach the interests of stockholders and the property of corporations, without detriment to the public, such a law should be passed as will enable creditors to secure their debts, and, at the same time, secure to the public the benefit and convenience intended by creating the corporation.

INTERNAL IMPROVEMENTS.

Upon the subject of Internal Improvements, I respectfully invite your attention to the suggestions made in my message to the last Legislature. And, in addition to those suggestions, I will add that few rivers in the South are more susceptible of improvement for navigable purposes, and at a small expense, than the rivers in the lower part of our State.

It is true that for a portion of the year they are deficient in depth of water for navigation; but that may be easily remedied by the construction of dams and locks at those parts of the rivers where the water is of insufficient depth, as there is always water enough to keep the dams filled. There being but little descent in those rivers after leaving the great falls, usually found near the commencement of the alluvial region, but few dams would be requisite to make them permanently navigable.

Take the Cape Fear, for instance—I am not informed as to the descent of its channel below Fayetteville; but beginning at that point on the river which can, at all stages of the water, be reached by steamboats from Wilmington—and I think it very probable that a half dozen dams with locks of ten feet lift each, would render the river at all times navigable for steamboats to Fayetteville.

With a permanent steamboat navigation from our excellent port of Wilmington, to Fayetteville, and a good Turnpike from thence to

some navigable point on the noble Yadkin, who can estimate the vast advantages to the State?

Take the Neuse—already has a steamboat ascended it, in its present unimproved condition, as far as Smithfield, within twenty-eight miles of Raleigh.

It is said, by those better acquainted with the river than myself to be at all times navigable from Newbern to, or within a short distance of Waynesborough; some fifty miles distant from Raleigh. Allowing a foot or two descent in every mile necessary to give to any stream a current, can doubt be entertained that eight or ten dams with locks of ten feet lift each, would give permanent steamboat navigation to the immediate vicinity of Raleigh?

Again, the course of this river in some places is extremely circuitous: after winding about for miles it returns to within a very short distance of its own channel. Across the isthmus at those points of approximation, short navigable canals might be cut, with locks at their lower terminations,—thus at once avoiding the expense of any dam—shortening the navigation, and overcoming whatever ascent there might be in the natural channel.

This improvement would give permanent steamboat navigation from Newbern to any point on the Neuse to which it might be carried; and the facility of navigation would be greatly increased by deadening the current and making it equal to slack water navigation. Boats of burthen could be easily towed by steamboats, or propelled by other power.

Immediately connected with this improvement of the Neuse, is another subject of importance altogether worthy of consideration.

Our Harbour of Beaufort is believed to be equal, if not superior to any other on our coast, south of the Chesapeake.

In my last message I drew the attention of the Legislature to the propriety of pressing upon the attention of Congress the necessity of making a ship channel from Pamlico Sound to this Harbour; as well as the necessity and utility of opening a ship channel at or near Nag's Head, between the Albemarle Sound and the Atlantic Ocean.

I now invite your attention, likewise, to those subjects with a recommendation that you press their consideration upon the attention of the General Government.

But to the connection between the navigation of the Neuse and Beaufort Harbour—whatever connection there may be between Beau-

fort Harbour and Pamlico Sound, the freight boats on the Neuse cannot avail themselves of its benefit.

Such craft as will navigate the river cannot live in stormy weather in the wide waters of the Neuse below Newbern, and of the Pamlico Sound. The river boats, therefore, will have to put their cargoes aboard of larger craft at Newbern to be taken to Beaufort. This transshipment it is desirable to avoid, and it is more than probable it can be avoided.

The section of country between Newbern and Beaufort, a distance of some forty or fifty miles, is comparatively a plain, but little elevated above the Neuse at Newbern, or the Ocean at Beaufort, with a soil admirably adapted to the purposes of constructing canals. A canal may be cut from Beaufort to some point on the Trent and Neuse at or near Newbern, so as to avoid any wide waters that might make the navigation dangerous, and the river boats be locked into this canal, and thus deliver their cargoes from the upper country direct on ship board in one of the best Harbours of the Union.

The practicability of this improvement is unquestionable, if there be streams between these two points of sufficient magnitude and elevation to serve for feeders to the canal. Upon this point I am not informed; but if there be not such streams, there is ample water of sufficient elevation in lakes Ellis and Long Lake to answer the purpose, which, by some additional expense, might be brought to the canal to supply it.

With good navigation from Beaufort to the vicinity of Raleigh, and a good Turnpike or Rail-road westward from that point, who can estimate its vast importance to this State? Whether this improvement be practicable, and what will be its costs, can be easily ascertained. The science of engineering is no longer an occult science, and its application no longer a mystic art. It is already reduced, in our country, to a common practical science of every day application.

Surveys and estimates can be made, and responsible persons can be found ready to undertake any enterprise and guarantee its execution for a stipulated sum. To undertake now a work of Internal Improvement is not, as heretofore, taking a leap in the dark. We only have to look before we leap, and then we can ascertain certainly what will be the result.

No doubt is entertained that a similar system of improvements by dams and locks upon the Tar and Roanoke rivers, will greatly improve their navigation.

For constructing the dams and locks no material can be cheaper and stronger than our long leaf pine, well weighed down with stone; and its durability, when constantly kept wet, sufficient for all practical purposes.

The views expressed in relation to these improvements are made rather with a hope that they may attract public attention and elicit public enquiry, than with the expectation that you will take any action upon the matter at this time, further than, it may be, to institute some inquiry to obtain information.

I have but little to add to the suggestions I made to the last Legislature relative to improvements in the middle and western parts of the State. They want good roads. Give them facility in getting to good markets, and their energy and industry will supply them with all they need.

THE ELECTION.

I was duly notified by the Sheriff of Davidson of the death of the Hon. Charles Brummell, a member elect of that county to the House of Commons; and by the Sheriff of Caswell, of the death of the Hon. Levi Walker, a member elect from that county to the House of Commons; and by the Sheriff of Greene, of the death of the Hon. James Harper, a member elect from that county to the House of Commons; and by the Sheriff of Johnston, of the death of the Hon. Ransom Sanders, the Senator elect of that county to the present Legislature.

Writs of election have been issued to fill these vacancies. This extraordinary mortality among the members elect of the Legislature, so short a time, too, after their election, and the death of a distinguished citizen, late a candidate for the office of Governor of our State, and the death of several other candidates either during or immediately after their canvass, seem to appeal to you with great force upon the propriety of altering the time of holding the elections.

It is proper that candidates for public favor should have an opportunity of visiting and seeing those whose confidence they seek; and that the voters should have the opportunity of judging of their qualification.

But these opportunities should be afforded them at a time of the year when the heat and diseases of summer do not endanger their lives. It is likewise true that some of our citizens in the lower counties are deprived of their votes. They are driven from the low country by the fear of disease, before the election, and dare not return to vote at the time at which it is now held. It is, therefore, respectfully

recommended that the day of holding the elections, for the future be some time in the months of June or July.

THE JUDICIARY.

The Bench of our Supreme Court has been deprived of one of the brightest ornaments that ever adorned it, and North Carolina of one of her noblest and most cherished sons, in the death of WILLIAM GASTON, late one of the associate Justices of that Court. He was emphatically "a good man and a great Judge." His place was supplied by the Governor and Council by the appointment of the Hon. FREDERICK NASH, of Hillsborough, one of the Judges of the Superior Courts, to that Bench. The Hon. DAVID F. CALDWELL, of Salisbury, was in like manner appointed to the Bench of the Superior Court to fill the vacancy occasioned by the resignation of Judge NASH. Their commissions expire with the termination of your session. It will be your duty, therefore, to fill both vacancies.

The offices of Solicitor for three of the Judicial districts are vacant. It devolves on you to fill them.

AGRICULTURE.

While provision is made in our colleges and schools for the instruction of our youth preparatory to their entering into the learned professions, little or no effort is made to prepare them for that most useful of all pursuits, AGRICULTURE. Should any generous youth desire to become a scientific Agriculturist and an intelligent, practical farmer, no provision is made for his instruction in any of our schools or colleges. Indeed, so little intellect is employed in our Agriculture, that our youth rather deem it a reflection upon their minds to engage in it, and look upon it as a pursuit only worthy of the slave or the hind who is as ignorant as the brute he drives. This impression should be removed. What pursuit can be more interesting, more intellectual? The mightiest minds are lighting up the path of the Agriculturist by their extraordinary discoveries in Chemistry. A Dana, a Johnson, a Liebig and others are looking into the arcana of nature and revealing her wonderful secrets to the husbandman.

Agriculture to a cultivated mind ceases to be a laborious and stupid pursuit, followed only because it provides the necessities of life. It has become an intellectual pursuit, worthy of the most fastidious taste or exalted mind.

I therefore recommend that an Agricultural professorship be added to our University; or, if it be deemed better, that an Agricultural School be established, where Agriculture may be taught as a science,

and where a model farm may be attached, and the science be practically illustrated and applied to use.

And I likewise recommend an Agricultural, Geological and Mineralogical survey of the State.

No State in the Union presents more interesting geological formations, or a greater variety of soils and productions, than ours. Such surveys, made by a man of science, would add much useful information to our present knowledge of the State, and would doubtless greatly aid the cause of Agriculture.

A scientific mineralogical survey, skilfully made, and reported in terms and language within the comprehension of miners and persons of ordinary education, would greatly aid the mining operations of our State—an interest becoming well worthy of legislative attention. Now ignorance gropes in the dark in search of metals and minerals, never found in the formations where the search is made: then the light of science would point out the localities where search might be made with every probability of success. I believe the same amount of money could not be so usefully applied in any other way as in procuring these surveys.

STATISTICS.

In every civilized country it has been found useful to obtain as much statistical information as possible. This subject has been greatly neglected. Who can tell or even make a rational guess as to the quantity of the various productions of our State—the number of acres in cultivation, the number of domestic animals, the extent of our manufacturing, mechanical and mining operations? Yet it is believed all this information might be obtained with little trouble or expense through the aid of our County Courts. I therefore recommend the subject to your attention.

COMMON SCHOOLS.

All the counties in this State have adopted the Common School system, except Edgecomb and Rowan. If it be proper, and for the interest of the State, that the children of the other counties should be educated, it is equally proper that the children of these two counties should receive similar advantages.

The net annual income of the Literary Fund distributed in March and September amounted to the sum of \$92,027 71.

The Schools have gone generally into operation; but there is yet want of system in their management. It is believed nothing would aid the success of these schools more than the appointment of an efficient State Agent, well versed in the subject of common schools,

whose duty it should be to travel over the State, visit the counties, see, advise and direct the superintendents and school committees in the discharge of their duties; and use his influence to awaken a lively interest in the success of popular education.

The Literary Board will, during your session, give a report more in detail as to the operations of the system, management and condition of the funds, accompanied by such remarks and suggestions as it will be deemed expedient and proper to make; to which I respectfully refer you for further information.

ASYLUMS.

For more than a century and a quarter the Legislature of this State has been engaged in making laws for the benefit of that class of its citizens which least needed aid, while the helpless and afflicted children of misfortune, are almost wholly disregarded. Although we possess a large fund applied to the purposes of general education, no provision whatever is made whereby the deaf and dumb and blind, those most needing its aid, are benefited. The facility with which they can be taught is truly surprising. And when we reflect that it is believed that the deaf mutes, without education, have no just idea of a Supreme Being; that neither they nor the blind can read the word of salvation without instruction, and the great ease with which both can be taught to read it, is it not wonderful that any Christian community should delay a moment to make provision for their instruction?

Again: no provision is made for their maintenance and support, except what is to be found in the poor laws. Many of them, if educated and instructed in useful employments, would be able to maintain themselves and enjoy life as rational creatures. Without these advantages, we often find them huddled together within the confines of a loathsome Poor House, doomed to while away a miserable existence in wretchedness to themselves, and at an increased expense to those whose duty it is to make for them more ample provision.

The condition of the insane merits your earnest attention. Many of them might be restored to themselves and to their usefulness, if an asylum were provided, where skilful and experienced managers could have the supervision and control of the patient. There those, whose cases were hopeless, might likewise receive the care and attention their condition required. I therefore most earnestly recommend that ample provision be made for the education of the deaf, dumb and blind; for the restoration of the insane, if practicable, and for the comfortable sustenance of all.

It may be said this is not a propitious time to undertake so great a work. A century has passed, and the time has not come. Another may pass, and it still may not come. If a bounteous Providence were to withhold his favors from us, so long as we withhold ours from his afflicted children, how quickly would we make that propitious time arrive! Now is the time. You have only to will it, and it is done. The means are at your command. That miserly constituent who grudgingly yields the little portion which he would be required to contribute towards so good a work, deserves not the showers and sunshine of Heaven, and need not hope for a blissful futurity. Without the aid of *your* branch of the government, gentlemen, that unfortunate class may bid farewell to hope, and welcome despair.

PENITENTIARY.

For years past the subject of changing our Criminal Code by the establishment of the Penitentiary System, has engaged public attention. Doubtless you are aware of the wishes of your constituents upon the subject, and will fully comply with them. I am satisfied that criminals often escape conviction from a humane feeling in the jury—and their unwillingness to subject the offender to severe and ignominious corporal punishment. And if a criminal be convicted, the present mode of punishment is but illy calculated to reform him or to benefit the State. Solitary confinement and hard labor are wholesome remedies for desperate moral diseases.

It is believed that the adoption of the system would be good economy: the profits arising from the labor of criminals would exceed the expenses of carrying the criminal law into execution, and it would be an admirable system to apply the proceeds arising from the punishment and correction of vice and idleness to the Common School fund, to aid in the moral and intellectual cultivation of our youth. It would be rearing the beautiful and delicate flower of Virtue out of the fetid hot-bed of Vice.

HISTORY.

As long as the American Union shall endure, so long will the History of the establishment of American Independence be a subject of deep interest to every Patriot. The Revolutionary history of this State is fraught with incidents of the deepest interest, and does honor to our patriotic sires. While another State boasts of being the cradle of Liberty, North Carolina alone can boast of possessing its birth place. It was on her soil, on the 20th of May 1775, that her sons reared the standard of Liberty, boldly declared their independence of the Brit-

ish Crown; and declared themselves "a free and independent people," "a sovereign and self-governing association." We are wholly unworthy such illustrious descent, if we neglect to preserve by all means in our power, the history of the gallant deeds by which they sustained that declaration.

The Index to the Colonial Documents of our State, printed by order of the last Legislature, to which I refer you, shows that very important historical information relative to this State, may be obtained from the Archives of the British Government. Access to these Archives has been generously tendered by that Government to this State; and permission granted to take copies of any documents we desire. It is believed that an agent, well qualified for the purpose, can be found who will proceed to England and procure such copies as may be deemed useful, for a sum but little exceeding the expenses of the trip and pay to clerks for making the copies. It is submitted to you whether it is not due to ourselves to send such an agent.

CHEROKEE BONDS.

The debt due to the State for the purchase of Cherokee lands is but little reduced in amount by collections—an evidence of the difficulty of raising money in that region.

When we look at the difficulties, incident to new settlements, which the debtors who reside in the extreme western counties have to encounter, their remoteness from market, and their destitution of good roads, we are not surprised that large payments are not made.

The lands sold for a good price: besides other security, the State holds the titles until the purchase money is paid: The lands are increasing in value by settlement. Good policy, therefore, dictates that such indulgence should be extended to these debtors as will eventually secure the payment of the debt, and induce them to remain among us as useful citizens.

THE CAPITOL.

I deem it scarcely necessary to call your attention to the Public Square and the Capitol. They are before you; the propriety of putting a suitable enclosure around the Square is too obvious to require from me any recommendation.

It is bad economy, after laying out a half million of dollars in a building that does honor to the State, to withhold the small amount necessary to enclose and protect it.

THE SWAMP LANDS.

No sale of the Swamp Lands drained by the State have been yet

made. An attempt was made to effect a sale in 1841, shortly after the drainage of a portion of the land; but the general pecuniary embarrassment which then prevailed, caused but little attention to be paid to the sales; and the few bids made were so low, that the Board did not deem it proper to accept them. No attempt to sell has been since made, because the Board deemed the times unpropitious, and believed the lands to be daily increasing in value by the decomposition of the vegetable matter, greatly hastened by the drainage.

PUBLIC LANDS.

To make such public improvements and to erect such charitable Institutions as we need, the State must have money. To raise funds for such use by taxation, would be burthensome to the citizens. It seems to me no fund can more appropriately belong to the States than that arising from the sales of the public lands, and that that fund can be in no way applied more advantageously than in the improvements of the social and natural condition of the States.

There can be no further use for withholding the fund from the States, under pretence that it is needed for the use of the General Government. The present tariff will raise an amount amply sufficient to meet all the exigencies of the General Government, economically administered: and we now have some assurance that the Tariff will continue uninterrupted, and the protective policy become firmly established. Indeed, so thoroughly convinced have the people become, that the doctrine of Free Trade, whatever it may be in theory, is in practice a mere humbug, that in the late contest for the Presidency, no candidate appeared advocating that doctrine—both the rival candidates advocating the principle of protection. Now is the time to press for a distribution of this fund. Indeed, its distribution should at all times be pressed. It appears to me surprising that any one should hesitate on the subject. The sum received by this State, under the distribution ordered under General Jackson's administration, (although one fourth of the sum ordered was never received,) amounts to more than the whole land and poll tax paid into the Treasury of North Carolina for the last twenty years. So large a sum cannot be annually expected from that source; but a sum that would greatly aid this State might be relied on with certainty. I, therefore, respectfully direct your attention to the subject.

With the present year, by a constitutional provision, closes my official connexion with the Government of North Carolina. In retiring from the Executive Chair, I shall carry with me but one regret—

and that is—that your department of the Government did not assign to me, during my administration, the execution of some work of great and permanent public utility, whereby, in the faithful and zealous performance of the duty, I might manifest to the people of North Carolina the profound gratitude which I feel to them for the confidence they have reposed in me, and for the kindness with which my official acts have been received by them.

Wishing you, Gentlemen, a session of pleasantness to yourselves and of usefulness to your constituents,

I remain your Fellow Citizen

and obedient servant,

JNO. M. MOREHEAD.

Executive Office, Nov. 19, 1844.

No 3.

LEGISLATURE OF NORTH CAROLINA:

RALEIGH, NOVEMBER, 1844.

RULES OF ORDER

FOR

THE GOVERNMENT

OF THE

GENERAL ASSEMBLY

OF

NORTH CAROLINA;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF

THE UNITED STATES

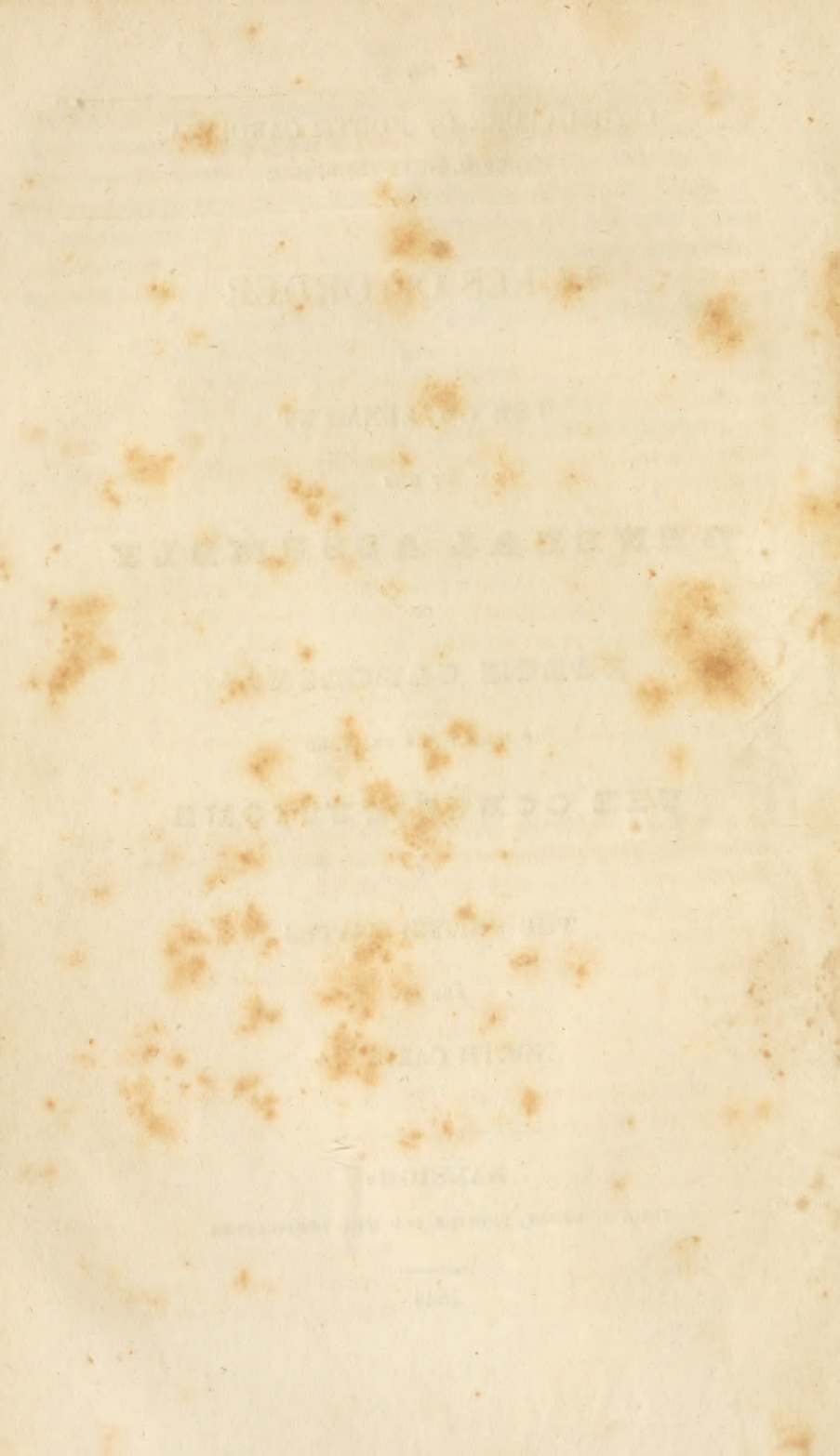
AND OF

NORTH CAROLINA.

RALEIGH:

THOS. J. LEMAY, PRINTER FOR THE LEGISLATURE.

1844.



CONSTITUTIONAL LAW.

CHRONOLOGICAL TABLE.

Magna Charta of King John,	15 June, 1215,
Petition of Rights,	2 June, 1628.
First Charter of Carolina,	24 March, 1663.
Second Charter of Carolina,	17 June, 1665.
Fundamental Constitutions of Carolina, (by Locke,)	1 March, 1669.
The Habeas Corpus Act, 31 Ch. 2, ch. 2,	2 May, 1679.
Bill of Rights, (1 William & Mary, sess. 2, ch. 2,)	1689.
Act for the surrender of the Proprietary Title to Carolina, (2 Geo. 2, ch. 34,)	1729.
Grant to Lord Carteret, afterwards Earl Granville,	17 Sept. 1744.
Declaration of Independence,	4 July, 1776.
Constitution of the State of North Carolina,	18 Dec. 1776.
Articles of Confederation,	8 July, 1778.
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CONSTITUTION
OF THE
UNITED STATES.

WE, the People of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty, to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I.

SECTION I.

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION II.

The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode-Island and Providence Plantations

one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the representation from any State, the Executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their Speaker and other officers ; and shall have the sole power of impeachment.

SECTION III.

The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years ; and each Senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year ; of the second class, at the expiration of the fourth year ; and of the third class, at the expiration of the sixth year ; so that one-third may be chosen every second year. And if vacancies happen, by resignation or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments, until the next meeting of the Legislature, which shall then fill such vacancies.

No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

The Senate shall choose their other officers, and also a President *pro tempore*, in the absence of the Vice President, or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments : when sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside ; and no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment, in cases of impeachment, shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States ; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

SECTION IV.

The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may, at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION V.

Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each House may provide.

Each House may determine the rules of its proceedings, punish its members for disorderly behaviour, and, with the concurrence of two-thirds, expel a member.

Each House shall keep a Journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either House, on any question, shall, at the desire of one-fifth of those present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

SECTION VI.

The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall in all cases except treason, felony, and breach of the peace, be privileged from arrest, during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a member of either House during his continuance in office.

SECTION VII.

All bills for raising revenue shall originate in the House of Representatives ; but the Senate may propose, or concur with, amendments, as on other bills.

Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States ; if he approve he shall sign it, but if not he shall return it, with his objections to that House in which it shall have originated, who shall enter the objections at large on their Journal, and proceed to reconsider it. If after such reconsideration two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and, if approved by two-thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the Journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted,) after it shall have been presented to him, the same shall be at law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return ; in which case it shall not be a law.

Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary, (except on a question of adjournment,) shall be presented to the President of the United States ; and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed, by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION VIII.

The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts, and provide for the common defence and general welfare of the United States ; but all duties, imposts and excises, shall be uniform throughout the United States ;

To borrow money on the credit of the United States.

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes ;

To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States ;

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures ;

To provide for the punishment of counterfeiting the securities and current coin of the United States ;

To establish post offices and post roads ;

To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries ;

To constitute tribunals inferior to the Supreme Court ;

To define and punish piracies and felonies committed on the high seas, and offences against the law of nations ;

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land or water ;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years ;

To provide and maintain a navy ;

To make rules for the government and regulation of the land and naval forces ;

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions ;

To provide for organizing, arming and disciplining, the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress ;

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings ;—And

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or office thereof.

SECTION IX.

The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year eighteen hundred and eight, but a

tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of *Habeas Corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

No bill of attainder or *ex post facto* law shall be passed.

No capitation, or other direct tax, shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

No tax or duty shall be laid on articles exported from any State.

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to, or from, one State be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the Treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign State.

SECTION X.

No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the nett produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war, in time of peace, enter into any agreement or compact with another State, or with a foreign power,

or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

SECTION I.

The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and together with the Vice-President, chosen for the same term, be elected as follows :

Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress : but no Senator or Representative, or persons holding an office of trust or profit under the United States, shall be appointed an elector.

The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each ; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed ; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose, by ballot, one of them for President ; and if no person have a majority, then from the five highest on the list the said House shall, in like manner, choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote ; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice-President.

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes ; which day shall be the same throughout the United States.

No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

In case of removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

The President shall, at stated times, receive for his services, a compensation, which shall neither be increased or diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation :—

“I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States.”

SECTION II.

The President shall be commander in chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices ; and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties. provided two-thirds of the Senators present

concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, Judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SECTION III.

He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SECTION IV.

The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes or misdemeanors.

ARTICLE III.

SECTION I.

The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the Supreme and inferior Courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

SECTION II.

The judicial power shall extend to all cases in law and equity, arising under this constitution, the laws of the United States, and the treaties made, or which shall be made, under their authority;—to all cases affecting ambassadors, other public ministers, and consuls;—to all cases of admiralty and maritime jurisdiction;—to controversies to which the United States shall be a party, —to controversies between two or more States;—between a State and citizens of another State;—between citizens of different States;—between citizens of the same State claiming lands under grants of different States;—and between a State, or the citizens thereof, and foreign States, citizens, or subjects.

In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before-mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

SECTION III.

Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open Court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.

SECTION I.

Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And

the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

SECTION II.

The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

SECTION III.

New States may be admitted by the Congress into this Union ; but no new State shall be formed or erected within the jurisdiction of any other State ; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislature of the States concerned, as well as of the Congress.

The Congress shall have power to dispose of and make all needfull rules and regulations respecting the territory or other property belonging to the United States ; and nothing in this constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

SECTION IV.

The United States shall guaranty to every State in this Union a republican form of government, and shall protect each of them against invasion ; and on application of the legislature, or of the executive, (when the legislature cannot be convened) against domestic violence.

ARTICLE V.

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this constitution, or, on the

application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which in either case, shall be valid to all intents and purposes, as part of this constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress ; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

All debts contracted, and engagements entered into, before the adoption of this constitution, shall be as valid against the United States under this constitution as under the confederation.

This constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land ; and the judges in every State shall be bound thereby, any thing in the constitution or laws of any State to the contrary notwithstanding.

The Senators and Representatives before-mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound, by oath or affirmation, to support this constitution ; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

The ratification of the conventions of nine States, shall be sufficient for the establishment of this constitution between the States so ratifying the same.

DONE in Convention, by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thou-

sand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth. In witness whereof, we have hereunto subscribed our names.

GEORGE WASHINGTON,

President, and Deputy from Virginia.

New Hampshire

John Langdon,
Nicholas Gilman.

Massachusetts.

Nathaniel Gorham,
Rufus King.

Connecticut.

William Samuel Johnson,
Roger Sherman.

New York.

Alexander Hamilton.

New Jersey.

William Livingston,
David Brearley,
William Patterson,
Jonathan Dayton.

Virginia.

John Blair,
James Madison, jun.

North Carolina.

William Blount,
Richard Dobbs Spaight,
Hugh Williamson.

Attest:

Pennsylvania.

Benjamin Franklin,
Thomas Mifflin,
Robert Morris,
George Clymer,
Thomas Fitzsimons,
Jared Ingersoll,
James Wilson
Gouverneur Morris.

Delaware.

George Reed,
Gunning Bedford, jun.
John Dickinson,
Richard Bassett,
Jacob Broom.

Maryland.

James M^cHenry,
Daniel of St. Tho. Jenifer,
Daniel Carroll.

South Carolina.

John Rutledge,
Charles C. Pinckney,
Charles Pinckney,
Pierce Butler.

Georgia.

William Few,
Abraham Baldwin.

WILLIAM JACKSON,

Secretary.

AMENDMENTS.

ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II.

A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized,

ARTICLE V.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service, in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case, to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence.

ARTICLE VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of common law.

ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

ARTICLE XI.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

ARTICLE XII.

The electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom at least shall not

be an inhabitant of the same State with themselves ; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President ; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President and the number of votes for each, which lists they shall sign and certify, & transmit sealed to the seat of Government of the United States directed to the President of the Senate; the President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates, & the votes shall then be counted ; the person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed ; and if no person have such majority, then from the persons having the highest numbers, not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote ; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the 4th day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of electors appointed ; and if no person have a majority, then from the two-highest numbers on the list, the Senate shall choose the Vice-President : a quorum for the purpose shall consist of two thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

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THE DECLARATION OF RIGHTS.

AT a CONGRESS of the Representatives of the Freemen of the State of NORTH CAROLINA, assembled at Halifax, the seventeenth day of December, in the year of our Lord one thousand seven hundred and seventy-six, for the purpose of establishing a CONSTITUTION, or FORM of GOVERNMENT, for the said State:

A DECLARATION of Rights made by the Representatives of the Freemen of the State of North Carolina.

SECTION I.

That all political power is vested in and derived from the people only.

SECTION II.

That the people of this State ought to have the sole and exclusive right of regulating the internal government and police thereof.

SECTION III.

That no man or set of men are entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services.

SECTION IV.

That the Legislative, Executive, and Supreme Judicial powers of Government, ought to be forever separate and distinct from each other.

SECTION V.

That all power of suspending laws, or the execution of laws, by any authority, without consent of the Representatives of the people, is injurious to their rights, and ought not to be exercised.

SECTION VI.

That elections of Members to serve as Representatives in General Assembly, ought to be free.

SECTION VII.

That in all criminal prosecutions, every man has a right to be informed of the accusation against him, and to confront the accusers and witnesses with other testimony, and shall not be compelled to give evidence against himself.

SECTION VIII.

That no freeman shall be put to answer any criminal charge, but by indictment, presentment, or impeachment.

SECTION IX.

That no freeman shall be convicted of any crime, but by the unanimous verdict of a Jury, of good and lawful men, in open court, as heretofore used.

SECTION X.

That excessive bail should not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

SECTION XI.

That general warrants, whereby any officer or messenger may be commanded to search suspected places, without evidence of the fact committed, or to seize any person or persons not named, whose offence is not particularly described and supported by evidence, are dangerous to liberty, and ought not to be granted.

SECTION XII.

That no freeman ought to be taken, imprisoned, or disseized of his freehold, liberties, or privileges, or outlawed or exiled, or in any manner destroyed or deprived of his life, liberty, or property, but by the law of the land.

SECTION XIII.

That every freeman restrained of his liberty, is entitled to a remedy to inquire into the lawfulness thereof, and to remove the same if unlawful, and that such remedy ought not to be denied or delayed.

SECTION XIV.

That in all controversies at law, respecting property, the ancient

mode of trial by jury, is one of the best securities of the rights of the people, and ought to remain sacred and inviolable.

SECTION XV.

That the freedom of the Press is one of the greatest bulwarks of liberty, and therefore ought never to be restrained.

SECTION XVI.

That the people of this State ought not to be taxed or made subject to the payment of any impost or duty, without the consent of themselves, or their Representatives in General Assembly, freely given.

SECTION XVII.

That the people have a right to bear arms for the defence of the State, and, as standing armies in time of peace are dangerous to liberty, they ought not to be kept up; and that the military should be kept under strict subordination to, and governed by the civil power.

SECTION XVIII.

That the people have a right to assemble together, to consult for their common good, to instruct their Representatives, and to apply to the Legislature for redress of grievances.

SECTION XIX.

That all men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences.

SECTION XX.

That for redress of grievances, and for amending and strengthening the laws, elections ought to be often held.

SECTION XXI.

That a frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.

SECTION XXII.

That no hereditary emoluments, privileges, or honors, ought to be granted or conferred in this State.

SECTION XXIII.

That perpetuities and monopolies are contrary to the genius of a free State, and ought not to be allowed.

SECTION XXIV.

That retrospective laws, punishing facts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust, and incompatible with liberty; wherefore, no *ex post facto* law ought to be made.

SECTION XXV.

The property of the soil in a free government, being one of the essential rights of the collective body of the people, it is necessary, in order to avoid future disputes, that the limits of the State should be ascertained with precision; and as the former temporary line between North and South Carolina was confirmed and extended by Commissioners appointed by the Legislatures of the two States, agreeably to the order of the late King George the Second, in Council, that line, and that only, should be esteemed the Southern boundary of this State, as follows: *that is to say*, beginning on the sea side, at a cedar stake, at or near the mouth of Little River, being the Southern extremity of Brunswick county, and running from thence, a north-west course through the boundary house, which stands in thirty-three degrees fifty-six minutes, to thirty-five degrees North latitude; and from thence a west course, so far as is mentioned in the charter of King Charles the Second, to the late proprietors of Carolina. Therefore, all the territories, seas, waters, and harbors, with their appurtenances, lying between the line above described and the Southern line of the State of Virginia, which begins on the sea shore, in thirty-six degrees thirty minutes North latitude, and from thence runs west, agreeably to the said charter of King Charles, are the right and property of the people of this State, to be held by them in sovereignty, any partial line, without the consent of the Legislature of this State, at any time thereafter directed or laid out, in any wise, notwithstanding. *Provided always*, That this declaration of right shall not prejudice any nation or nations of Indians from enjoying such hunting grounds as may have been, or hereafter shall be secured to them, by any former or future Legislature of this State. *And provided also*, That it shall not be construed so as to prevent the establishment of one or more governments westward of this State,

by consent of the Legislature. *And provided further,* That nothing herein contained, shall affect the titles or possessions of individuals, holding or claiming, under the laws heretofore in force, or grants heretofore made by the late King George the Third, or his predecessors, or the late Lords Proprietors, or any of them.

*December the 17th day, A. D. 1776; read the third time,
and ratified in open Congress.*

R. CASWELL, *President.*

JAMES GREEN, JR. *Secretary.*

THE CONSTITUTION OF NORTH CAROLINA.

THE Constitution or form of Government, agreed to and resolved upon by the Representatives of the Freemen of the State of North Carolina, elected and chosen for that particular purpose, in Congress assembled, at Halifax, the eighteenth day of December, in the year of our Lord one thousand seven hundred and seventy six.

WHEREAS allegiance and protection are in their nature reciprocal, and the one should of right be refused when the other is withdrawn. And whereas, George the Third, King of Great Britain, and late Sovereign of the British American Colonies, hath not only withdrawn from them his protection, but, by an act of the British Legislature, declared the inhabitants of these States out of the protection of the British Crown, and all their property found upon the high seas liable to be seized and confiscated to the uses mentioned in the said act. And the said George the Third has also sent fleets and armies to prosecute a cruel war against them, for the purpose of reducing the inhabitants of the said colonies to a state of abject slavery. In consequence whereof, all government under the said King, within the said colonies, hath ceased, and a total dissolution of government in many of them hath taken place. And whereas the Continental Congress having considered the premises, and other previous violations of the rights of the good people of America, have therefore declared, that the Thirteen United Colonies are, of right, wholly absolved from all allegiance to the British Crown, or any other foreign jurisdiction whatsoever, and that the said colonies now are, and forever shall be, free and independent States. Wherefore, in our present State, in order to prevent anarchy and confusion, it becomes necessary that a government should be established in the State: Therefore, We, the Representatives of the Freemen of North Carolina, chosen and assembled in Congress for the express purpose of framing a constitution, under the authority of the people, most conducive to their happiness and prosperity, do declare that a Gov-

ernment for this State shall be established in manner and form following, to wit:

SECTION I.

That the Legislative authority shall be vested in two distinct branches, both dependent on the people, to wit: a Senate and House of Commons.

SECTION II.

That the Senate shall be composed of Representatives [annually*] chosen by ballot, one from each [county] in this State.

SECTION III.

That the House of Commons shall be composed of Representatives [annually] chosen by ballot, [two for each county, and one for each of the towns of Edenton, Newbern, Wilmington, Salisbury, Hillsborough and Halifax.]

SECTION IV.

That the Senate and House of Commons assembled for the purpose of Legislation, shall be denominated the General Assembly.

SECTION V.

That each member of the Senate shall have usually resided in the [county] in which he is chosen, for one year immediately preceding his election; and for the same time shall have possessed, and continue to possess, in the [county] which he represents, not less than three hundred acres of land in fee.

SECTION VI.

That each member of the House of Commons shall have usually resided in the [county] in which he is chosen, for one year immediately preceding his election, and for six months shall have possessed, and continue to possess, in the [county] which he represents, not less than one hundred acres of land in fee, or for the term of his own life.

*Those parts in which material amendments have been made, are printed in brackets. []

SECTION VII.

That all [freemen] of the age of twenty-one years, who have been inhabitants of any one [county] within the State twelve months immediately preceeding the day of any election, and possessed of a freehold within the same county of fifty acres of land, for six months next before and at the day of election, shall be entitled to vote for member of the Senate.

SECTION VIII.

That all [freemen] of the age of twenty-one years, who have been inhabitants of any [county] within this State twelve months immediately preceding the day of any election, and shall have paid public taxes, shall be entitled to vote for members of the House of Commons for the county in which he resides.

SECTION IX.

[That all persons possessed of a freehold in any town in this State, having a right of representation, and also all freemen who have been inhabitants of any such town twelve months next before and at the day of election, and shall have paid public taxes, shall be entitled to vote for a member to represent such town in the House of Commons. *Provided always*, That this section shall not entitle any inhabitant of such town to vote for members of the House of Commons for the county in which he may reside, nor any freeholder in such county, who resides without or beyond the limits of such town, to vote for a member for said town.]

SECTION X.

That the Senate and House of Commons, when met, shall each have power to choose a Speaker and other their officers, be judges of the qualifications and elections of their members, sit upon their own adjournments from day to day, and prepare bills to be passed into laws. The two Houses shall direct writs of elections for supplying intermediate vacancies, and shall also jointly, by ballot, adjourn themselves to any future day and place.

SECTION XI.

That all bills shall be read three times in each House before they pass into laws, and be signed by the Speakers of both Houses.

SECTION XII.

That every person who shall be chosen a member of the Senate or House of Commons, or appointed to any office or place of trust, before taking his seat, or entering upon the execution of his office, shall take an oath to the State; and all officers shall also take an oath of office.

SECTION XIII.

That the General Assembly shall, by joint ballot of both Houses, appoint Judges of the Supreme Courts of Law and Equity, Judges of Admiralty, and [Attorney-General,] who shall be commissioned by the Governor, and hold their offices during good behavior.

SECTION XIV.

[That the Senate and House of Commons shall have power to appoint the Generals and Field Officers of the Militia, and all officers of the Regular Army of this State.]

SECTION XV.

[That the Senate and House of Commons jointly, at their first meeting after each annual election, shall by ballot elect a Governor for one year, who shall not be eligible to that office longer than three years in six successive years.] That no person under thirty years of age, and who has not been a resident in this State above five years, and having in the State a freehold in lands and tenements, above the value of one thousand pounds, shall be eligible as Governor.

SECTION XVI.

That the Senate and House of Commons jointly, at their first meeting after each [annual] election, shall by ballot elect seven persons to be a Council of State for [one year,] who shall advise the Governor in the execution of his office; and that four members shall be a quorum; their advice and proceedings shall be entered in a Journal to be kept for that purpose only, and signed by the members present; to any part of which any member present may enter his dissent; and such Journal shall be laid before the General Assembly when called for by them.

SECTION XVII.

That there shall be a seal of this State, which shall be kept by the Governor, and used by him as occasion may require, and shall be called the Great Seal of the State of North Carolina, and be affixed to all Grants and Commissions.

SECTION XVIII.

That the Governor for the time being shall be Captain General and Commander in Chief of the Militia; and in the recess of the General Assembly, shall have power, by and with the advice of the Council of State, to embody the Militia for the public safety.

SECTION XIX.

That the Governor for the time being, shall have power to draw for and apply such sums of money as shall be voted by the General Assembly, for the contingencies of Government, and be accountable to them for the same; he also may, by and with the advice of the Council of State, lay embargoes, or prohibit the exportation of any commodity, for any term not exceeding thirty days at any one time, in the recess of the General Assembly, and shall have the power of granting pardons and reprieves, except where the prosecution shall be carried on by the General Assembly, or the law shall otherwise direct; in which case he may, in the recess, grant a reprieve until the next sitting of the General Assembly; and may exercise all the other executive powers of Government, limited and restrained as by this constitution is mentioned, and according to the laws of the State; and on his death, inability or absence from the State, the Speaker of the Senate for the time being, and in case of his death, inability, or absence from the State, the Speaker of the House of Commons shall exercise the powers of the Governor, after such death, or during such absence or inability of the Governor or Speaker of the Senate, [or until a new nomination is made by the General Assembly.]

SECTION XX.

That in every case where any officer, the right of whose appointment is, by this Constitution, vested in the General Assembly, shall, during their recess, die, or his office by other means become

vacant, the Governor shall have power, with the advice of the Council of State, to fill up such vacancy, by granting a temporary commission, which shall expire at the end of the next session of the General Assembly.

SECTION XXI.

That the Governor, Judges of the Supreme Courts of Law and Equity, Judges of Admiralty, and Attorney-General, shall have adequate salaries during their continuance in office.

SECTION XXII.

That the General Assembly shall, by joint ballot of both Houses, [annually] appoint a Treasurer or Treasurers for this State.

SECTION XXIII.

That the Governor and other officers offending against the State, by violating any part of this Constitution, mal-administration, or corruption, may be prosecuted on the impeachment of the General Assembly, or presentment of the Grand Jury of any Court of Supreme Jurisdiction in this State.

SECTION XXIV.

That the General Assembly shall, by joint ballot of both Houses, [triennially] appoint a Secretary for this State.

SECTION XXV.

That no persons, who heretofore have been, or hereafter may be, receivers of the public moneys, shall have a seat in either House of the General Assembly, or be eligible to any office in this State, until such person shall have fully accounted for and paid into the Treasury, all sums for which they may be accountable and liable.

SECTION XXVI.

That no Treasurer shall have a seat in either the Senate, House of Commons, or Council of State, during his continuance in that office, or before he shall have finally settled his accounts with the public, for all monies which may be in his hands at the expiration of his office, belonging to the State, and hath paid the same into the hands of the succeeding Treasurer.

SECTION XXVII.

That no officer in the Regular Army or Navy, in the service and pay of the United States, of this or any other State, or any contractor or agent for supplying such Army or Navy with clothing or provisions, shall have a seat in either the Senate, House of Commons, or Council of State, or be eligible thereto; and any member of the Senate, House of Commons, or Council of State, being appointed to, and accepting of such office, shall thereby vacate his seat.

SECTION XXVIII.

That no member of the Council of State shall have a seat either in the Senate or House of Commons.

SECTION XXIX.

That no Judge of the Supreme Court of Law or Equity, or Judge of Admiralty, shall have a seat in the Senate, House of Commons, or Council of State.

SECTION XXX.

That no Secretary of this State, Attorney-General, or Clerk of any Court of Record, shall have a seat in the Senate, House of Commons, or Council of State.

SECTION XXXI.

That no Clergyman, or Preacher of the Gospel, of any denomination, shall be capable of being a member of either the Senate, House of Commons, or Council of State, while he continues in the exercise of the pastoral function.

SECTION XXXII.

That no person who shall deny the being of God, or the truth of the [Protestant] Religion, or the divine authority either of the Old or New Testament, or who shall hold religious principles incompatible with the freedom and safety of the State, shall be capable of holding any office, or place of trust or profit in the Civil department within this State.

SECTION XXXIII.

That the Justices of the Peace, within the respective counties in

this State, shall in future be recommended to the Governor for the time being, by the Representatives in General Assembly, and the Governor shall commission them accordingly. And the Justices, when so commissioned, shall hold their offices during good behavior, and shall not be removed from office by the General Assembly unless for misbehavior, absence, or inability.

SECTION XXXIV.

That there shall be no establishment of any one Religious Church or denomination in this State, in preference to any other; neither shall any person, on any pretence whatsoever, be compelled to attend any place of worship, contrary to his own faith or judgment; nor be obliged to pay for the purchase of any glebe, or the building of any house of worship, or for the maintenance of any minister or ministry, contrary to what he believes right, or has voluntarily and personally engaged to perform; but all persons shall be at liberty to exercise their own mode of worship: *Provided*, that nothing herein contained shall be construed to exempt preachers of treasonable or seditious discourses from legal trial and punishment.

SECTION XXXV.

That no person in the State shall hold more than one lucrative office at any one time. *Provided*, that no appointment in the Militia, or to the office of a Justice of the Peace, shall be considered as a lucrative office.

SECTION XXXVI.

That all Commissions and Grants shall run in the name of the State of North Carolina, and bear test and be signed by the Governor. All writs shall run in the same manner, and bear test and be signed by the Clerks of the respective Courts. Indictments shall conclude, against the peace and dignity of the State.

SECTION XXXVII.

That the Delegates for this State to the Continental Congress, while necessary, shall be chosen annually by the General Assembly, by ballot, but may be superseded in the mean time, in the same manner; and no person shall be elected to serve in that capacity for more than three years successively.

SECTION XXXVIII.

That there shall be a Sheriff, Coroner or Coroners, and Constables, in each county within the State.

SECTION XXXIX.

That the person of a debtor, where there is not a strong presumption of fraud, shall not be continued in prison after delivering up, *bona fide*, all his estate, real and personal, for the use of his creditors, in such manner as shall be hereafter regulated by law. All prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident, or presumption great.

SECTION XL.

That every foreigner who comes to settle in this State, having first taken an oath of allegiance to the same, may purchase, or by other just means acquire, hold, and transfer, land, or other real estate; and, after one year's residence, shall be deemed a free citizen.

SECTION XLI.

That a school or schools shall be established by the Legislature, for the convenient instruction of youth, with such salaries to the masters, paid by the public, as may enable them to instruct at low prices; and all useful learning shall be duly encouraged and promoted in one or more Universities.

SECTION XLII.

That no purchase of land shall be made of the Indian natives but on behalf of the public, by authority of the General Assembly.

SECTION XLIII.

That the future Legislature of this State shall regulate entails in such a manner as to prevent perpetuities.

SECTION XLIV.

That the Declaration of Rights is hereby declared to be part of the Constitution of this State, and ought never to be violated on any pretence whatever.

SECTION XLV.

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Th any member of either House of the General Assembly shall

have liberty to dissent from, and protest against, any act or resolve which he may think injurious to the public or any individual, and have the reasons of his dissent entered [on the Journals.

SECTION XLVI.

That neither House of the General Assembly shall proceed upon public business, unless a majority of all the members of such House are actually present, and that upon a motion made and seconded, the Yeas and Nays upon any question shall be taken, and entered on the Journals; and that the Journals of the proceedings of both Houses of the General Assembly shall be printed and made public, immediately after their adjournment.

SECTION XLVII.

This constitution is not intended to preclude the present Congress from making a temporary provision for the well ordering of this State, until the General Assembly shall establish Government agreeable to the mode herein before prescribed.

December the 18th, 1776, read the hird time and ratified in open Congress.

R. CASWELL, *President.*

JAMES GREEN, JR. *Secretary.*

AMENDMENTS.

WHEREAS the General Assembly of North Carolina, by an act, passed the sixth day of January, one thousand eight hundred and thirty-five, entitled "An act concerning a Convention to amend the Constitution of the State," and by an act, supplemental thereto, passed on the eighth day of January, one thousand eight hundred and thirty-five, did direct that polls should be opened in every election precinct throughout the State, for the purpose of ascertaining whether it was the will of the freemen of North Carolina that there should be a Convention of Delegates, to consider of certain amendments proposed to be made in the Constitution of said State; and did further direct, that, if a majority of all the votes polled by the freemen of North Carolina should be in favor of holding such Convention, the Governor should, by Proclamation, announce the fact, and thereupon the freemen aforesaid should elect delegates to meet in Convention at the City of Raleigh, on the first Thursday in June, one thousand eight hundred and thirty-five, to consider of the said amendments: And whereas a majority of the freemen of North Carolina did, by their votes at the polls so opened, declare their will that a Convention should be had to consider of the amendments proposed; and the Governor did, by proclamation, announce the fact that their will had been so declared, and an election for delegates to meet in Convention as aforesaid was accordingly had: Now, therefore, we, the delegates of the good people of North Carolina, having assembled in Convention, at the city of Raleigh, on the first Thursday in June, one thousand eight hundred and thirty-five, and having continued in session from day to day, until the eleventh of July, one thousand eight hundred and thirty-five, for the more deliberate consideration of said amendments, do now submit to the determination of all the qualified voters of the State, the following amendments in the Constitution thereof, that is to say:

ARTICLE I.

SECTION I.

The Senate of this State shall consist of fifty Representatives, biennially chosen by ballot, and to be elected by districts; which districts shall be laid off by the General Assembly, at its first session after the year one thousand eight hundred and forty-one; and afterwards, at its first session after the year one thousand eight hundred and fifty one; and then every twenty years thereafter, in proportion to the public taxes paid into the Treasury of the State by the citizens thereof; and the average of the public taxes paid by each county into the Treasury of the State, for the five years preceding the laying off of the districts, shall be considered as its proportion of the public taxes, and constitute the basis of apportionment: *Provided*, That no county shall be divided in the formation of a Senatorial District. And when there are one or more counties, having an excess of taxation above the ratio to form a Senatorial district, adjoining a county or counties deficient in such ratio, the excess or excesses aforesaid shall be added to the taxation of the county or counties deficient; and if, with such addition, the county or counties receiving it shall have the requisite ratio, such county and counties each shall constitute a Senatorial district.

The House of Commons shall be composed of one hundred and twenty Representatives, biennially chosen by ballot, to be elected by counties according to their federal population, that is, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons; and each county shall have at least one member in the House of Commons, although it may not contain the requisite ratio of population.

This apportionment shall be made by the General Assembly, at the respective times and periods when the districts for the Senate are herein before directed to be laid off; and the said apportionment shall be made according to an enumeration to be ordered by the General Assembly, or according to the Census which may be taken by order of Congress, next preceding the period of making such apportionment.

In making the apportionment in the House of Commons, the ratio of representation shall be ascertained by dividing the amount of Federal population in the State, after deducting that comprehended

within those counties which do not severally contained the one hundred and twentieth part of the entire Federal population aforesaid, by the number of Representatives less than the number assigned to the said counties. To each county containing the said ratio, and not twice the said ratio, there shall be assigned one representative; to each county containing twice, but not three times the said ratio, there shall be assigned two Representatives, and so on progressively, and then the remaining Representatives shall be assigned severally to the counties having the largest fractions.

SECTION II.

Until the first session of the General Assembly which shall be had after the year eighteen hundred and forty one, the Senate shall be composed of members to be elected from the several districts herein after named, that is to say, the 1st district shall consist of the counties of Perquimons and Pasquotank; the 2d district, of Camden and Currituck; the 3d district, of Gates and Chowan; the 4th district, Washington and Tyrrel; the 5th district, Northampton; the 6th district, Hertford; the 7th district, Bertie; the 8th district Martin; the 9th district, Halifax; the 10th district, Nash; the 11th district, Wake; the 12th district, Franklin; the 13th district, Johnston; the 14th district, Warren; the 15th district, Edgecomb; the 16th district, Wayne; the 17th district, Greene and Lenoir; the 18th district, Pitt; the 19th district, Beaufort and Hyde; the 20th district, Carteret and Jones; the 21st district, Craven; the 22d district, Chatham; the 23d district, Granville; the 24th district, Person; the 25th district, Cumberland; the 26th district, Sampson; the 27th district, New Hanover; the 28th district, Duplin; the 29th district, Onslow; the 30th district, Brunswick, Bladen and Columbus; the 31st district, Robeson and Richmond; the 32nd district, Anson; the 33d district, Cabarrus; the 34th district, Moore and Montgomery; the 35th district, Caswell; the 36th district, Rockingham; the 37th district, Orange; the 38th district, Randolph; the 39th district, Guilford; the 40th district, Stokes; the 41st district, Rowan; the 42d district, Davidson; the 43d district, Surry; the 44th district, Wilkes and Ashe; the 45th district, Burke and Yancy; the 46th district, Lincoln; the 47th district, Iredell; the 48th district, Rutherford; the 49th district, Buncombe, Haywood, and Macon; and the 50th district, Mecklenburg; each district to be entitled to one Senator.

Until the first session of the General Assembly after the year eighteen hundred and forty-one, the House of Commons shall be

composed of members elected from the counties in the following manner, viz: The counties of Lincoln and Orange shall elect four members each. The counties of Burke, Chatham, Granville, Guilford, Halifax, Iredell, Mecklenburg, Rowan, Rutherford, Surry, Stokes, and Wake, shall elect three members each. The counties of Anson, Beaufort, Bertie, Buncombe, Cumberland, Craven, Caswell, Davidson, Duplin, Edgecomb, Franklin, Johnston, Montgomery, New Hanover, Northampton, Person, Pitt, Randolph, Robeson, Richmond, Rockingham, Sampson, Warren, Wayne, and Wilkes, shall elect two members each. The counties of Ashe, Bladen, Brunswick, Camden, Columbus, Chowan, Currituck, Carteret, Cabarrus, Gates, Greene, Haywood, Hertford, Hyde, Jones, Lenoir, Macon, Moore, Martin, Nash, Onslow, Pasquotank, Perquimons, Tyrrell, Washington, and Yancy shall elect one member each.

SECTION III.

Each member of the Senate shall have usually resided in the district for which he is chosen, for one year immediately preceding his election, and for the same time shall have possessed and continue to possess, in the district which he represents, not less than three hundred acres of land in fee.

All freemen of the age of twenty-one years, (except as is hereinafter declared) who have been inhabitants of any one district within the State, twelve months immediately preceding the day of any election, and possessed of a freehold within the same district of fifty acres of land, for six months next before and at the day of election, shall be entitled to vote for a member of the Senate.

No free negro, free mulatto, or free person of mixed blood, descended from negro ancestors, to the fourth generation inclusive, (though one ancestor of each generation may have been a white person, (shall vote for members of the Senate or House of Commons.

SECTION IV.

In the election of all officers, whose appointment is conferred on the General Assembly by the Constitution, the vote shall be *viva voce*.

The General Assembly shall have power to pass laws regulating the mode of appointing and removing Militia Officers.

The General Assembly shall have power to pass general laws, regulating divorce and alimony, but shall not have power to grant a divorce, or secure alimony, in any individual case.

The General Assembly shall not have power to pass any private law, to alter the name of any person, or to legitimate any persons not born in lawful wedlock, or to restore to the rights of citizenship, any person convicted of an infamous crime; but shall have power to pass general laws regulating the same.

The General Assembly shall not pass any private law, unless it shall be made to appear, that thirty days notice of application to pass such law shall have been given, under such directions and in such manner as shall be provided by law.

If vacancies shall occur by death, resignation or otherwise, before the meeting of the General Assembly, writs may be issued by the Governor, under such regulations as may be prescribed by law.

The General Assembly shall meet biennially, and at each biennial session shall elect, by joint vote of the two Houses, a Secretary of State, Treasurer, and Council of State, who shall continue in office for the term of two years.

ARTICLE II.

The Governor shall be chosen by the qualified voters for the members of the House of Commons, at such time and places as members of the General Assembly are elected.

He shall hold his office, for the term of two years from the time of his installation, and until another shall be elected and qualified; but he shall not be eligible more than four years in any term of six years.

The returns of every election for Governor, shall be sealed up and transmitted to the seat of Government, by the returning officers, directed to the Speaker of the Senate, who shall open and publish them in the presence of a majority of the members of both Houses of the General Assembly. The person having the highest number of votes, shall be Governor; but if two or more shall be equal and highest in votes, one of them shall be chosen Governor by joint vote of both Houses of the General Assembly.

Contested elections for Governor, shall be determined by both Houses of the General Assembly, in such manner as shall be prescribed by law.

The Governor elect, shall enter on the duties of the office, on the first day of January next after his election, having previously taken the oaths of office in the presence of the members of both branches of the General Assembly, or before the Chief Justice of the Supreme Court, who, in case the governor elect should be prevented

from attendance before the General Assembly, by sickness or other unavoidable cause, is authorised to administer the same.

ARTICLE III.

SECTION I.

The Governor, Judges of the Supreme Court, and Judges of the Superior Courts, and all other officers of this State, (except Justices of the Peace and Militia officers,) may be impeached for wilfully violating any Article of the Constitution, mal-administration, or corruption.

Judgment, in cases of impeachment, shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under this State; but the party convicted may, nevertheless, be liable to indictment, trial, judgment, and punishment, according to law.

The House of Commons shall have the sole power of impeachment. The Senate shall have the sole power to try all impeachments; no person shall be convicted upon any impeachment, unless two-thirds of the Senators present shall concur in such conviction; and before the trial of any impeachment, the members of the Senate shall take an oath or affirmation, truly and impartially to try and determine the charge in question, according to evidence.

SECTION II.

Any Judge of the Supreme Court, or of the Superior Courts, may be removed from office for mental or physical inability, upon a concurrent resolution of two-thirds of both branches of the General Assembly. The Judge against whom the Legislature may be about to proceed, shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least twenty days before the day on which either branch of the General Assembly shall act thereon.

The salaries of the Judges of the Supreme Court, or of the Superior Courts, shall not be diminished during their continuance in office.

SECTION III.

Upon the conviction of any Justice of the Peace of any infamous crime, or of corruption and mal-practice in office, the commission of

such Justice shall be thereby vacated, and he shall be forever disqualified from holding such appointment.

SECTION IV.

The General Assembly, at its first session after the year one thousand eight hundred and thirty-nine, and from time to time thereafter, shall appoint an Attorney-General, who shall be commissioned by the Governor, and shall hold his office for the term of four years; but if the General Assembly should hereafter extend the term during which Solicitors of the State shall hold their offices, then they shall have power to extend the term of office of the Attorney-General to the same period.

ARTICLE IV.

SECTION I.

No Convention of the People shall be called by the General Assembly, unless by the concurrence of two-thirds of all the members of each House of the General Assembly.

No part of the Constitution of this State shall be altered, unless a Bill to alter the same shall have been read three times in each House of the General Assembly, and agreed to by three-fifths of the whole number of members of each House respectively; nor shall any alteration take place until the Bill so agreed to shall have been published six months previous to a new election of members to the General Assembly. If, after such publication, the alteration proposed by the preceding General Assembly, shall be agreed to in the first session thereafter, by two-thirds of the whole representation in each House of the General Assembly, after the same shall have been read three times, on three several days, in each House, then the said General Assembly shall prescribe a mode by which the Amendment or Amendments may be submitted to the qualified voters of the House of Commons throughout the State; and if, upon comparing the votes given in the whole State, it shall appear that a majority of the voters have approved thereof, then, and not otherwise, the same shall become a part of the Constitution.

SECTION II.

The thirty-second section of the Constitution shall be amended to read as follows:—No person who shall deny the being of God, or the

truth of the Christian Religion, or the divine authority of the Old or New Testament, or who shall hold religious principles incompatible with the freedom or safety of the State, shall be capable of holding any office or place of trust or profit in the civil department within this State.

SECTION III.

Capitation tax shall be equal throughout the State upon all individuals subject to the same.

All free males over the age of twenty-one years, and under the age of forty-five years, and all slaves over the age of twelve years, and under the age of fifty years, shall be subject to Capitation tax, and no other person shall be subject to such tax; provided, that nothing herein contained shall prevent exemptions of taxable polls as heretofore prescribed by law in cases of bodily infirmity.

SECTION IV.

No person who shall hold any office or place of trust or profit under the United States, or any department thereof, or under this State, or any other State or Government, shall hold or exercise any other office or place of trust or profit under the authority of this State, or be eligible to a seat in either House of the General Assembly: *Provided*, that nothing herein contained shall extend to officers in the Militia or Justices of the Peace.

Ratified in Convention, this eleventh day of July, in the year of our Lord one thousand eight hundred and thirty-five.

NATHANIEL MACON, *President.*

EDMUND B. FREEMAN, *Secretary of the Convention.*

JOSEPH D. WARD, *Assistant Secretary.*

GOVERNOR'S CERTIFICATE.

I, DAVID L. SWAIN, Governor of the State of North Carolina, do hereby certify, that the within Amendments to the Constitution, proposed by a Convention held in the City of Raleigh, on the 4th day of June last, were submitted for ratification or rejection to the good people of the State, according to an Ordinance of the said Convention; that the returns of all the votes given were made to me, and by me duly opened, in the presence of the Secretary of State and Public Treasurer, and that a majority of the votes so given and returned was in favor of ratification: And I do therefore certify, declare, and make known, that the within Amendments have been ratified by the good people of the State, have become part of the Constitution, and, as such, will have full force, effect and operation, from and after the first day of January next.

IN WITNESS WHEREOF, I have signed this certificate, and have caused the Secretary of State to countersign the same, and to affix the GREAT SEAL of the State hereunto.



Done at Raleigh, this fourth day of December,
A. D. eighteen hundred and thirty five.

D. L. SWAIN.

By the Governor.

WM. HILL, *Secretary of State.*

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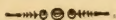
SECTION IV.

No officer under the United States, or under this State or any other State or government, to hold any other lucrative office under this State or be eligible to the General Assembly.

RULES OF ORDER

FOR THE

GOVERNMENT OF THE SENATE.



1. When the Speaker takes the chair each member shall take his seat; and on the appearance of a quorum, the Journal of the preceding day shall be read.

2. After the reading of the Journal of the preceding day, the Senate shall proceed to business in the following order, to wit: 1st, the receiving petitions, memorials, pension certificates and papers addressed either to the General Assembly or to the Senate; 2d, the reports of standing committees; 3d, the reports of select committees; 4th, resolutions; 5th, bills; 6th, bills, resolutions, petitions, memorials, messages, pension certificates, and other papers on the table. Then the orders of the day; but motions and messages to elect officers, shall always be in order.

3. When any member is about to speak in debate or deliver any matter to the House, he shall rise from his seat and respectfully address himself to the Speaker, and shall confine himself to the question under debate, and avoid personality. And when two or more members happen to rise at once, the Speaker shall name the one who is first to speak. No member shall speak oftener than twice on the same question, without leave of the House. And when any member is speaking, he shall not be interrupted by any person, either by speaking or by standing, or passing between him and the Chair.

4. All Bills and Resolutions of a public nature, introduced, shall pass, as a matter of course, the first reading.

5. If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may call him to order; in which case, the member so called to order, shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide on the case, but without de-

bate. If there be no appeal the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, and the case require it, he shall be liable to the censure of the House.

6. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, to postpone indefinitely, to postpone to a day certain, to commit, or to amend; which several motions shall have precedence in the order they stand arranged, and the motion for adjournment shall always be in order, and decided without debate.

7. Questions may be stated by the Speaker sitting, but shall be put standing. Questions shall be distinctly put in this form: "Senators, as many as are of opinion that (as the case may be) say Aye:" and after the affirmative voice is expressed—"As many as are of a contrary opinion, say No." If the Speaker doubt as to the voice of the majority, or a division be called for, the Speaker shall call on those in the affirmative of the question to rise from their seats, and afterwards those in the negative. If the Speaker still doubt, or a count be required, the Speaker shall name two members, one from each side, to tell the number in the affirmative; which being reported, he shall then name two others, one from each side, to tell those in the negative; which being also reported, he shall state the division to the House, and announce its decision. No member, who was without the bar of the Senate when any question was put from the Chair, shall enter his Yea or Nay without leave, unless he shall have been absent on some committee; and the row of pillars shall be the bar of the Senate.

8. When any member shall make a motion which is not of course, he shall reduce the same to writing, if required.

9. In all cases of election by the House, the Speaker shall vote, and when, on a division, there shall be an equal number of votes, the Speaker shall decide the question. In no other case shall he vote, unless his vote, if given to the minority, will make the division equal; and when an equal division is produced by the Speaker's vote, the question shall be lost.

10. No member shall depart the service of the House without leave, or receive pay as a member for the time he is absent.

11. Petitions, memorials and other papers addressed to the House shall be presented by the Speaker, or by a member in his place; a brief statement of the contents thereof shall verbally

be made by the introducer, and the petition, memorial, or other paper shall not be read, unless so ordered by the House.

12. Resolutions for the appropriation of public money, and all resolutions of a public nature, as well as all bills, shall be read the first time for information; and, upon this reading, shall not be subject to amendment; but may be amended on the second and third reading. And the Clerk shall keep a calender of all such resolutions and bills, with the orders taken on them, for the inspection of the members of the Senate.

13. All bills of a public nature, when ready for the second reading, shall be noted to be read at least one day previous thereto; and then shall first be read for information, and afterwards, paragraph by paragraph, and held open for amendment.

14. After a bill has been once rejected, postponed indefinitely, or to a day beyond the session, another of like provisions shall not be introduced during the same session.

15. When a question has been once decided, it shall be in order for any member in the majority to move for a reconsideration thereof on the same or succeeding day, if the bill, resolution, or paper, upon which the question has been taken, be in possession of the Senate; and no bill or resolution of a public nature, shall be sent from the Senate until twelve o'clock the succeeding day.

16. The Speaker shall examine and correct the Journal before it is read; he shall have the general directions of the Hall; he shall designate the members who shall compose all committees, except when otherwise ordered; and the select committees of this House shall consist of five members.

17. There shall be appointed by the Speaker, the following committees, viz: a committee of propositions and grievances; a committee of privileges and elections; a committee of claims; a committee on the Judiciary; a committee on Internal Improvement; and a committee on Education and the Literary Fund, consisting of seven members each.

18. When the House resolves itself into a Committee of the Whole, the Speaker shall leave the chair, and appoint a Chairman; and when upon any other occasion, the Speaker wishes to leave the chair, he shall appoint a Speaker pro tem.

19. When any petition, memorial or other paper addressed to the House, shall have been referred either to one of the standing or select committees, they shall, in their report on the petition, memorial, or other paper, make a statement in writing of the facts embraced in the case so referred.

20. In case of any disturbance or disorderly conduct in the lobby or gallery, the Speaker, or Chairman of the Committee of the Whole House shall have power to have the same cleared.

21. No person, except members of the House of Commons, Officers and Clerks of the two Houses of the General Assembly, Judges of the Supreme and Superior Courts, officers of the State resident at the seat of government, members of Congress, persons particularly invited by the Speaker, and such gentlemen as have been members of either House of the Legislature, shall be admitted within the Hall of the Senate.

22. Any member dissatisfied with the decision of the Speaker on any question of order, may appeal to the House.

23. When the House adjourns, the members shall keep their seats till the Speaker leaves the Chair.

24. On motion of adjournment the question shall be decided without debate.

25. The rules for the government of the Senate shall not be amended or altered, without giving at least one day's notice of such amendment or alteration, except by the consent of two-thirds of the members present.

BURGESS S. GAITHER,
Speaker of the Senate.

By Order:

THOMAS G. STONE, Clerk.

RULES AND ORDER.

OF CONDUCTING BUSINESS IN

THE HOUSE OF COMMONS.

TOUCHING THE DUTY OF THE SPEAKER.

1. He shall take the Chair every day precisely at the hour to which the House, on the preceding day, shall have adjourned; shall immediately call the members to order, and on the appearance of a quorum, cause the Journal of the preceding day to be read.

2. He shall preserve decorum and order; may speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the House by any member; on which appeal no member shall speak more than once, unless by leave of the House.

3. He shall rise to put a question, but may state it sitting.

4. Questions shall be distinctly put in this form, viz: "As many as are of opinion that, (as the question may be,) say Aye:" and after the affirmative voice is expressed, "As many as are of a contrary opinion, say No." If the Speaker doubt, or a division be called for, the House shall divide: Those in the affirmative of the question, shall rise from their seats; and afterwards those in the negative. If the Speaker still doubt, or a count be required, the Speaker shall name two members, one from each side of the question, to tell the members in the affirmative; which being reported, he shall then name two others, one from each side of the question, to tell those in the negative; which being also reported, he shall rise and state the decision to the House.

5. The Speaker shall examine and correct the Journal before it is read. He shall have a general direction of the Hall. He shall have the right to name any member to perform the duties of the Chair; but such substitution shall not extend beyond an adjournment, except in case of sickness.

6. All committees shall be appointed by the Speaker, unless otherwise specially directed by the House.

7. In all elections, the Speaker shall vote. In other cases, he shall not vote, unless the House be equally divided; or unless his

vote, if given to the minority, will make the division equal: in case of such equal division, the question shall be lost.

8. The Speaker shall arrange the orders of the day unless the House shall otherwise direct.

9. All acts, addresses, and joint resolutions, shall be signed by the Speaker; and all writs, warrants and subpoenas issued by order of the House shall be under his hand and seal, attested by the Clerk.

10. In case of any disturbance or disorderly conduct in the galleries or lobby, the Speaker (or Chairman of the committee of the whole) shall have power to order the same to be cleared.

11. No person shall be permitted to come within the bar of the House, unless by the invitation of the Speaker or some member of the House; and the range of pillars in front of the Speaker's chair shall be considered the bar of the House.

12. Stenographers, wishing to take down the debates, may be admitted by the Speaker, who shall assign such places to them on the floor or elsewhere, to effect their object, as shall not interfere with the convenience of the House.

ORDER OF BUSINESS OF THE DAY.

13. The unfinished business in which the House was engaged at the last preceding adjournment, shall have the preference in the orders of the day; and no motion or any other business shall be received without special leave of the House, until the former is disposed of. All elections by the House, shall be *viva voce*, unless there be but one nominee, in which case appointments may be made on motion; and on such elections, the roll shall be called a second time for absentees before the result is announced.

OF DECORUM AND DEBATE.

14. When any member is about to speak in debate or deliver any matter to the House, he shall rise from his seat and respectfully address himself to the Speaker.

15. When the Speaker shall call a member to order, he shall sit down; as also he shall when called to order by another member, unless the Speaker decide the point of order in his favor. By leave of the House, the member called to order may clear a matter of fact or explain, but shall not proceed in debate so long as the decision stands, but by permission of the House. Any member may appeal from the decision of the Chair; and if, upon the appeal, the decision be in favor of the member called to order, he may proceed. If otherwise, he shall not, except by leave of the

House; and if the case, in the judgment of the House, require it, he shall be liable to its censure.

16. When two or more members rise at the same time, the Speaker shall name the member to speak.

17. No member shall speak more than twice on the same question, without leave of the House.

18. Whilst the Speaker is putting any question or addressing the House, no person shall speak, stand up or walk out or across the House; nor when a member is speaking entertain private discourse, stand up, or pass between him and the Chair.

19. No member shall vote on any question, touching his right to a seat in the House, or on the passage of any private bill or resolution in the event of which he is immediately and directly interested, or in case where he was not present when the question was put by the Speaker. Upon a division and count of the House on any question, no member without the bar shall be counted.

20. Every member who shall be in the House when the question is stated, shall give his vote, unless the House, for special reasons, shall excuse him.

21. When a motion is made and seconded, it shall be stated by the Speaker, or if written, it shall be handed to the Chair; and read aloud by the Clerk, before debated.

22. Every motion shall be reduced to writing, if the Speaker or any two members desire it.

23. After a motion is stated by the Speaker, or read by the Clerk, it shall be deemed to be in the possession of the House; but may be withdrawn before a decision or amendment.

24. When a question is under debate, no motion shall be received but to adjourn, to lay on the table, to postpone indefinitely, to postpone to a day certain, to commit or amend; which several motions shall have precedence in the order they stand arranged; and no motion to lay on the table, to postpone indefinitely, to postpone to a day certain, to commit or amend, being decided, shall be again allowed on the same day and at the same stage of the bill or proposition.

25. A motion to adjourn shall always be in order, except when the House is voting, or some member speaking, and shall be decided without debate.

26. When a question is postponed indefinitely, the same shall not be acted upon again during the session.

27. Any member may call for a division of the question, when the same will admit of it; which shall be determined by the Speaker.

28. When a motion has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the re-consideration thereof, on the same or succeeding day.

29. When the reading of a paper is called for, which has been read in the House, and the same is objected to by any member, it shall be determined by a vote of the House.

30. Petitions, memorials and other papers addressed to the House, shall be presented by the Speaker, or by a member in his place; a brief statement of the contents thereof shall verbally be made by the introducer; and shall not be debated or decided on the day of their being first read, unless when the House shall direct otherwise, but shall lie on the table to be taken up in the order they were read.

31. No bill, petition, memorial, or other papers that may be introduced, shall be taken out of the possession of the House or sent to the Senate until the time for re-consideration shall have elapsed.

32. When the yeas and nays are called for on any question, it shall be on motion before the question is put, and if seconded, the question shall be decided by yeas and nays; and in taking the yeas and nays, or on a call of the House, the names of the members shall be taken alphabetically.

33. No member shall be called upon for words spoken in the House but on the day they were spoken. Decency of speech shall be observed, and personal reflections carefully avoided.

34. Any twenty members, including the Speaker, shall be authorized to compel the attendance of absent members.

35. No member or officer of the House shall absent himself from the service of the House, without leave, unless from sickness or inability to attend.

36. Any member may excuse himself from serving on any committee at the time of his appointment, if he is a member of two standing committees.

37. If any member shall be necessarily absent on any temporary business of the House, when the vote is taken upon any question, on entering the House, he shall be permitted, upon motion, to vote.

38. No standing rule or order shall be rescinded, altered, or suspended, without one day's notice given of the motion thereof; and to sustain such motion, two thirds of the House shall be required.

COMMITTEES.

39. Six standing committees shall be appointed at the commencement of the session, viz. A committee on claims; a committee on propositions and grievances; a committee on education; a committee on agriculture; a committee on internal improvement; and a committee on privileges and elections. Each of said committees shall consist of eleven members, one from each Electoral district, to be appointed by the members from the counties composing said district. In addition to the above standing committees, the Speaker shall appoint another, two members from each Judicial Circuit, to be denominated the committee on private bills.

40. A select standing committee consisting of nine members, shall be appointed at the commencement of the session by the Speaker, and be denominated "the committee on the Judiciary."

41. Select committees shall consist of five members. It shall be the duty of the person first named on any committee to cause the members of the committee to convene when necessary, and when so convened, they shall appoint some one of their number chairman.

42. In forming a committee of the whole House, the Speaker shall leave his chair, and a chairman to preside in committee shall be appointed by the Speaker.

43. Upon bills committed to a committee of the whole House, the bill shall be first read throughout by the clerk, and then again read and debated by sections, leaving the preamble to be last considered; the body of the bill shall not be defaced or interlined; but all amendments, noting the page and line, shall be duly entered by the clerk on a separate paper, as the same shall be agreed to by the committee, and so reported to the House. After report, the bill shall again be subject to be debated and amended by sections, before a question on its passage be taken.

44. All questions, whether in committee, or in the House, shall be propounded in the order in which they were moved, except that in filling up blanks, the largest sum and longest time shall be first put.

45. The rules of proceeding in the House shall be observed in a committee of the whole House, so far as they may be applicable, except the rule limiting the times of speaking.

46. In a committee of the whole House, a motion that the com-

mittee rise shall always be in order, except when a member is speaking, and shall be decided without debate.

OF BILLS, RESOLUTIONS, &c.

47. Every bill shall be introduced by motion for leave or by order of the House on the report of a committee.

48. Every bill shall receive three several readings in the House previous to its passage; and the Speaker shall give notice at each, whether it be the first, second or third. The first reading of a bill shall be for information, and if opposition be made to it, the question shall be, "Shall this bill be rejected?" If no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.

49. Upon the second reading of the bill, the Speaker shall state it as ready for commitment or amendment.

50. All bills shall be despatched in order as they were introduced, unless when the House shall direct otherwise; but no public bill shall be twice read on the same day, without the concurrence of two thirds of the members present.

51. All resolutions which may grant money out of the Treasury, or such as shall be of a public nature, shall be treated in all respects in a similar manner with public bills.

52. When a bill is introduced to repeal a public law, or any part thereof, the law, or part intended to be repealed, shall be read at the second reading of the repealing bill; and shall not be read at any other reading of said repealing bill, unless required by one third of the House.

53. When a bill has been once rejected, no other of the same purport shall be introduced again during the session.

54. The Clerk of the House shall be deemed to continue in office until another is appointed.

EDWARD STANLY,

Speaker of the House of Commons.

Ry order

CHARLES MANLY, *Clerk.*

JOINT RULES

FOR

BOTH HOUSES.

1. Each House shall perfect and finally act on all bills, resolutions and orders, before the same shall be communicated to the other for its concurrence; and if amended in the House to which it is transmitted, it shall be communicated to the House in which it originated, asking the concurrence of that House in the amendment.

2. In any case of amendment of a bill, resolution or order, agreed to in one House, and dissented to in the other, if either House shall request a conference, and appoint a committee for that purpose, and the other House shall also appoint a committee to confer, each committee shall consist of an equal number, and they shall meet and state to each other the reasons of their respective Houses, for and against the amendment, and confer freely thereon, and make a report in writing to their respective Houses, of the result of their conference.

3. Messages from one House to the other shall be sent by the clerk assistant of each house, unless otherwise ordered.

4. When a message shall be sent from one House to the other, it shall be announced at the door of the House to which it is sent by the door-keeper, and shall be respectfully delivered to the Chair, by the person by whom it may be sent.

5. After a bill shall have passed the House in which it originated, it shall be under the signature of the clerk, and engrossed under his direction and inspection, before it shall be communicated to the other House.

6. After a bill shall have passed both Houses, it shall be duly enrolled, on suitable paper, by the engrossing clerks before it shall be presented for ratification.

7. When bills are enrolled, they shall be carefully examined by a joint committee of two from the Senate, and four from the House of Commons, appointed at the meeting of the two Houses each Monday morning, as a Committee for that purpose, for one week, whose duty it shall be carefully to compare the enrolment with the engrossed bills, as passed in the two Houses, and to cor-

rect any errors that may be discovered in the enrolled bills, and make their report of the said bills to the House.

8. After examination and report, each bill shall be ratified and signed in the respective Houses; first by the Speaker of the House of Commons, and then by the Speaker of the Senate.

9. All orders, resolutions and votes of the Houses shall be examined, engrossed and signed in the same manner as bills.

10. When a bill or resolution, which shall have passed in one House, is rejected in the other, notice thereof shall be given to the House in which the same may have passed.

11. The committee in each House shall in all cases, make a statement of facts on which their report is founded; which statement, with all other papers on which any bill or resolution shall be formed, shall be transmitted to the other House.

12. The Committee of Finance shall be joint, consisting of eight members of each House. The Library Committee shall be a joint standing committee, consisting of three members from each House appointed by the Speakers thereof, respectively.

13. In all joint committees, the member first named on the committee, on the part of the House proposing to raise such committee shall convene the same; and when met they shall choose their own Chairman.

14. Either House may make a reference to any joint committee, and all reports shall be made to the House ordering such reference.

15. Whenever either House shall order any paper or document to be printed, it shall be printed in octavo form, on good paper, and with fair type, and shall be distributed in the following manner: One copy thereof to each member of the General Assembly, one copy to the clerks of each House for the use thereof; and ten copies shall be deposited in the Public Library.

16. All elections requiring a joint vote shall be *viva voce*, and a select committee of two members in each House shall be appointed to superintend the same in their respective Houses. After the vote shall have been taken, said select committees shall confer together and report the result of such election to their respective Houses.

17. That the foregoing rules shall be permanent Joint Rules of the Legislature of North Carolina, until altered or amended.

No. 10,

LEGISLATURE OF NORTH CAROLINA.

IN SENATE, DEC. 3, 1844.

REPORT

FROM THE

COMPTROLLER'S DEPARTMENT

OF

NORTH CAROLINA,

TO THE

GOVERNOR OF THE STATE,

SHOWING

THE RECEIPTS AND DISBURSMENTS

AT THE

TREASURY DEPARTMENT,

FOR THE

Fiscal Year ending 31st October, 1837.

RALEIGH:

THOS. J. LEMAY, PRINTER TO THE LEGISLATURE.

1844.

GOVERNOR DUDLEY'S LETTER.

EXECUTIVE DEPARTMENT, }

Raleigh, Nov. 24, 1837. }

SIR.—The Report of the Comptroller, which has been made to the Executive, is, by an Act of the last session of the General Assembly, required to be published in five of the newspapers of this State. It is, therefore, handed to you for insertion in your paper, and through the medium of which I have to request the favor of the Editors of the Register and Standard, of this place; Watchman, of Salisbury; and Spectator, of Newbern, to insert the same in their papers respectively.

The better to explain the transactions of the Boards of the Literary Fund and Internal Improvement, of which the Governor has been made the President *ex officio*, and as may be expected of him at the period of the Comptroller's report, the opportunity is embraced of submitting a condensed statement of their fiscal operations, with a few remarks.

It will be seen that the greater part of the funds of the Literary Board has been, as directed by law, loaned out, until they shall be required for the draining the swamp lands and the establishment of common schools. With the view of commencing the former, an Engineer has recently been appointed; and as soon as the titles can be ascertained, with reasonable certainty, to be in the State, and the most promising portions selected and surveyed, the work will be commenced. Both the titles and lands are now being examined.

The establishment of common schools will yet require legislative action.

The funds under the control of the Board of Internal Improvements, as also directed by law, have been loaned out until wanted to meet appropriations—the greater part to corporations. The inducements to loan to the Banks were strong and conclusive, viz. a considerable sum would at once be put on interest, and the payment as well secured as it could possibly be from any other source—under an agreement that indulgence would be granted to their debtors to an equal or greater amount, and the money returned, on short notice, when wanted.

It will be recollected that the General Assembly has appropriated all the "surplus" of this Fund, on certain conditions, to Rail Road Companies. One company having complied with those conditions, and entitled itself to the patronage of the State, and commenced a

work of great magnitude, it was necessary to place the funds for this Road in a situation where they could be commanded, to meet the obligations of the State faithfully, and insure the progress of the work with more certainty.

I am, very respectfully, your ob't. serv't.

EDW'D. B. DUDLEY.

THOS. J. LEMAY, Esq.

Editor Star.

1837

SURPLUS.

July	Amount received of the General Government, 3 instalments, on deposit, \$477,919 13 each, \$1,433,757 39 Appropriated by the last session of the General Assembly, viz:	
	To the redemption of the State stock issued in 1835,	300,000 00
	To the use of the Treasurer,	100,000 00
	" Stock Bank of Cape Fear,	300,000 00
	" Draining swamp lands,	200,000 00
	" Rail Road Companies,	533,757 39
		<hr/> <u>\$1,433,757 39</u>

Dr.

Literary Fund with the

1837		
April 1	To balance then on hand	\$27,155 58
	Amount of appropriation for Draining swamp lands, of surplus,	200,000 00
	Interest received on several loans,	5,835 70
	Tavern tax, auction tax, land entries and bank dividend,	5,652 38
		<u>\$238,643 66</u>
Nov. 1.	To balance on hand per contra,	<u>\$5,140 79</u>

State of North Carolina.

C.R.

1837

Nov. 1	By amount loaned to sundry individuals,	\$211,850
	Invested in Bank Stock,	12,420
	Appropriation for draining Mattamuskeet Lake (drawn)	8,000
	Advanced Engineer, C. B. Shaw,	792
	Charges of the Board, &c.	440 87
	Balance on hand,	5,140 79
		<hr/>
		\$238,643 66
		<hr/>

Dr.

Internal Improvement Fund with the

1837		
April 1	To amount then on hand,	\$59,333 61
	" Balance of 'surplus' appropriated to Railroads,	533,757 39
	" Received on Cherokee bonds,	868 57
		<hr/>
		\$593,959 57
		<hr/>
Nov. 1	To balance on hand per contra,	\$36,168 32
		<hr/>

State of North Carolina.

Cr.

1837

By first instalment paid of subscription to the W. & R. R. R. Company,	\$150,000
Loaned to the Bank of the State, and Merchants' Bank of Newbern,	325,000
Other corporations or Individuals,	71,450
Paid expense (in part) surveying Cherokee Lands,	11,000
Charges of Board,	341 25
Balance on hand,	36,168 32
	<hr/>
	<u>\$593,959 57</u>

COMPTROLLER'S REPORT

FOR THE YEAR ENDING

OCTOBER 31, 1837.

COMPTROLLER'S OFFICE, }
Nov. 10, 1837. }

SIR—In obedience to an Act of the General Assembly of North Carolina, passed at its session of 1836--7, entitled "An act concerning the Comptroller's Office," I have the honor to hand you herewith a Report, shewing the receipts and disbursements at the Public Treasury of North Carolina, from the 1st day of November, 1836, to 31st October, 1837, inclusive.

I have the honor to be, with great respect, your ob't serv't.

WM. F. COLLINS, Compt.

To his Excellency, E. B. DUDLEY,

Governor of the State of North Carolina.

Dr.

Samuel F. Patterson, Public Treasurer,

1836

Nov. 30	To cash received of D. L. Barringer, in full of the first instalment of a judgment obtained by the State against said Barringer, for the purchase of two lots of land near Raleigh, about the year 1820,	100 00	
"	" Cash received of the Bank of Cape Fear, in full of a dividend of 8 per cent. declared on 10 shares of stock held by the State of North Carolina in the capital stock of said Bank,	80 00	
1837			
Jan. 19	" Cash received of the Bank of the State being a dividend of 4 per cent. on 4058 shares of stock held in said Bank by the State of North Carolina, for the half year ending with Dec. 1836,	16,232 00	
			16 412 00
	Balance due S. F. Patterson, January 19, 1837,		20,920 37
			<u>\$37,332 37</u>
1837			
Jan. 19	" D. W. Courts, his successor in office,	\$20,920 37	

in account with the State of North Carolina.

CR.

1836			
Nov. 1	By balance due S. F. Patterson,		\$2,670 38
" 30	" Disbursements this month,	8,716 93	
Dec. 31	" Ditto,	14,863 86	
1837			
Jan. 19	" Ditto, " to this day,	11,081 20	
		<hr/>	34,661 99
			<hr/>
			<u>\$37,332 37</u>
1837			
Jan. 19	" Balance due S. F. Patterson,	20,920 37	

WM. F. COLLINS, Compt.

Comptroller's Office, }
Raleigh, Nov. 1st, 1837. }

Dr. Samuel F Patterson, Treasurer of Literary Fund,

1836			
Nov. 1.	To balance due President and Directors of Literary Fund, Nov. 1, 1836,		3,845 07
"	" Cash received, auction Tax from Nov. 1st, 1836, to Nov. 30 inclusive,	217 03	
"	" Cash received of Roanoke Navigation Co. for 4th dividend on capital stock of said Company owned by the State, and appropriated to the Literary Fund,	1,000 00	
"	" Cash received of Bank of Cape Fear dividend of 8 per cent. declared on 704 shares in the capital stock of said Bank owned by the State, and appropriated to the Literary Fund,	5,632 00	
"	" Cash received of Bank of Cape Fear, being a dividend of 8 per cent. declared on 50 shares in the capital stock of said Bank, owned by the President and Directors of Literary Fund,	400 00	
"	" Cash received from Entries of vacant land from 1st Nov. 1836, to 30th inclusive,	2,059 48	
Dec 31	" Cash received for Entries of vacant land from 1st Dec. 1836, to 31st, inclusive,	3,744 47	
1837	" Cash received for auction Tax, from 1st Dec. 1836, to 31st, inclusive,	83 67	
Jan. 19	" Cash received for Entries of vacant lands from Jan. 1st, 1837, to 19th, inclusive,	442 30	
"	" Cash received of Bank of the State, being dividend of 4 per cent. on 1942 shares in the capital stock of said bank, owned by the President and Directors of the Literary Fund, for the half year ending with Dec., 1836,	7,768 00	
			21,346 95
			<u>\$25,192 04</u>
1837			
Jan 19.	To balance due President and Directors of the Literary Fund,		<u>\$25,192 04</u>

in account with President and Directors of the Lit. Fund, Cr.

1837		
Jan.	By balance due President and Directors of the Literary Fund,	25,192 04
"	By D. W. Courts, his successor in office,	<u>\$25,192 04</u>

WM. F. COLLINS, Compt.
Comptroller's Office, Raleigh, Nov. 1st, 1837.

1837

Jan 19.

To balance due President and Directors of the
Literary Fund,

\$25,192 04\$25,192 04\$25,192 04

21,316 95

1,775 00

being divided of 1 per cent on
1942 shares in the capital stock
of said bank, owned by the Pres-
ident and Directors of the Lite-
rary Fund for the half year en-
ding with Decr 1836,

1837

Jan. 19

Cash received for balance of re-
cant made from Jan 1st, 1837,

Dec 31

Cash received for balance of re-
cant made from Jan 1st, 1836, to
31st Decr 1836, and 1837,

3,714 17

2,599 45

2,599 45

DR. *Samuel F. Patterson, Treasurer of Int. Imp. Fund,*

1836

Nov. 1.	To balance due Board of Internal Improvement,	37,417 89
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“	“ Cash received of Bank of Cape Fear, dividend of 8 per cent. declared on 1358 shares in the capital stock of said bank, held by the State, and appropriated to the fund for Internal Improvements,	10,864 00
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Dec 31	" Cash received of Ninian Edmonston, Commissioner, on acct. sales Cherokee Lands,	3,253 11
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“ Cash received this month, on sundry bonds of Individuals, denominated Cherokee bonds,	3,953 47
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1837

Jan 31	" Cash received of Jonathan Phillips, Chairman of Macon Co. Court, in part payment of the second instalment due for the purchase of the balance of the 400 acre tract on which the town of Franklin, in said county, is situated,	90 00
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“	Cash received of sundry persons, being payments due on Chero- kee bonds,	1,506 01
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“	Cash received of J. R. Syler, assignee of Thomas and Dilliard Love, in full for the purchase money for one acre of land, in the county of Macon,	10 00
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$$\begin{array}{r} 10\ 00 \\ \hline 19,676\ 59 \end{array}$$

1837

1837		\$57,094 48
Jan 19.	To balance due Board of Int. Im.	\$56,547 61

Jan 19.	To balance due Board of Int. Im.	\$56,547 61
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in account with Board of Internal Improvements,

CR.

1836			
Dec 31	By	cash paid Ninian Edmonston, Commissioner, for selling Cherokee lands,	202 87
"	"	Cash paid Hybart and Strange, of the North Carolina Journal at Fayetteville, for advertising sales of Cherokee lands,	6 00
"	"	Cash paid Ninian Edmonston, commissioner, contingent expenses in making Cherokee land sales in pursuance of a resolution of the General Assembly,	188 00
"	"	Cash paid Humphrey Posey as per Resolution of the General Assembly,	150 00
1837			546 87
Jan. 19	By	Balance due Board of Internal Improvement,	56,547 61
			<u>\$57,094 48</u>
1837			
Jan. 19	By	D. W. Courts, his successor in office,	<u>\$56,547 61</u>

WM. F. COLLINS, Compt.
Comptroller's Office, Nov. 1, 1837.

RECAPITULATION.

LITERARY FUND.

Received, Auction Tax	300 70	
Bank of Cape Fear dividends,	5,632 00	
Roanoke Navigation Co. dividends,	1,000 00	
Bank of Cape Fear dividends	400 00	
Entries of vacant land,	6,246 25	
Bank of the State dividends,	7,768 00	
	<u>\$21,346 95</u>	
Add bal. due Literary Fund, 1st Nov. 1836,	3,845 09	
	<u></u>	
Amt. due Literary Fund, Jan. 19, 1837,		25,192 04

INTERNAL IMPROVEMENT FUND.

Received of Bank of Cape Fear dividends,	10,864 00	
Cherokee land sales,	3,253 11	
Cherokee bonds,	5,459 48	
Jonathan Philips,	90 00	
J R Siler,	10 00	
	<u>\$19,676 59</u>	
Balance due Internal Improvement Fund, 1st Nov. 1836,	37,417 89	
	<u>57,094 48</u>	
Deduct disbursements to Jan. 19, 1837,	546 87	
Balance due Internal Improvement Fund, Jan. 19, 1837,		56,547 61
		<u>\$81,739 65</u>

PUBLIC TREASURER.

Received of Public lands, near Raleigh,	100 00	
Bank of Cape Fear dividends,	80 00	
Bank of the State dividends,	16,232 00	
	<u>16,412 00</u>	

RECAPITULATION—CONTINUED.

	Amt. brought forward,	16,412 00	81,739 65
	Deduct balance due S. F. Patterson, Nov. 1st 1836,	2,670 38	
1837	Jan. 19 Sundry disbursements to date,	34,661 99	<u>\$37,332 37</u>
	Amt. due S. F. Patterson, Pub. Treas. Jan. 19th, 1837,		<u>\$20,920 37</u>
	Amt. in hands of S. F. Patterson, Jan. 19th, 1837		60,819 28

DISBURSEMENTS.

ELECTORAL ELECTIONS

John W. Taylor,	Sheriff Greene county,	13 33
Joseph W. Hampton	Rowan	22 00
James C. Turrentine	Orange	8 83
James W. Doke	Guilford	16 16
Martin Roberts	Rockingham	19 16
Young H. Allen	Anson	22 50
George Hoover	Randolph	15 00
Samuel Terry	Richmond	19 16
Alexander Johnson	Cumberland	12 50
Allen Grist	Beaufort	21 70
Simon M. Smithwick	Martin	19 16
John Freeman	Bertie	20 00
James Simmons	Halifax	15 83
Jos. M. Bogle	Iredell	30 83
Wm. W. Bryant	Nash	10 33
Neil M'Alpin	Robeson	17 50
Ebenezer Hearne	Montgomery	20 83
Evander M'Intosh	Moore	12 50
J. M'Connaughay	Mecklenburg	29 16
Wm. D. Rascoe	Chowan	27 50
Salathiel Stone	Stokes	19 66
John Boon	Burke	35 83
James Truitt	Macon	61 66
Etheldred J. Peebles	Northampton	20 95
Isaac Baxter	Currituck	39 16
William Merry	Camden	37 50
Guston Perry	Franklin	7 50
Paschall B. Burt	Wake	5 33
J. R. Reddick	Gates	27 50
Robert B. Davis	Washington	27 50
G. H. Alexander	Tyrrell	35 83
Israel Brooks	Hyde	35 83
Wm. Thompson	Wayne	10 83
Joshua Williamson	Columbus	23 25
Wm. Kenneday	Davidson	20 00
Nelson G. Howell	Haywood	52 50
Wm. Wilkins	Rutherford	40 00
Willie Jones	Buncombe	47 53
Joshua A. Pool	Pasquotank	35 83
Benjamin M. Selby	Pitt	18 33
Thomas Wilson	Yancy	44 16
James Queen	Lincoln	31 04
Thomas J. Lea	Caswell	13 50
Abraham Fulford	Carteret	30 00
Wm. H. Archibald	Cabarrus	27 50
John J. Bryan	Wilkes	31 66
Geo. Philips	Ashe	36 66

ELECTORS.

Nathaniel Macon	16 00
John Wilfong	41 00
Abram W. Venable	15 00
Josiah O. Watson	7 40
Wm. P. Ferrand	32 00
Owen Holmes	31 00
Wm. B Lockart	20 40
Gideon C. Marchant	47 00
Lewis D. Wilson	16 40
George Bower	46 00
Wm. A. Morris	29 40
John Hill	27 00
Jonathan Parker	19 00
Archibald Henderson	27 00
James R. Love	36 00

\$410 60

SENATORIAL ELECTIONS.

Nelson G. Howell, Sheriff of Haywood County,	\$2 50
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JUDICIARY.

Nov.	Hon. Wm. Norwood, Judge Superior Court			
		1 certificate,		90 00
	" R. M. Saunders	do 9	do	810 00
	" Jno. M. Dick	do 1	do	90 00
	" Robert Strange	do 1	do	90 00
	J. R. J. Daniel, Atto. Gen'l	10	do	200 00
	N. W. Alexander, Solicitor p. t.	11	do	220 00
	Jno. L. Bailey,	do 3	do	60 00
Dec.	Hon. Wm. Norwood, Judge Sup'r Courts,			
		5 certificates,		450 00
	" Jno. M. Dick,	do 11	do	990 00
	" Robert Strange	do 9	do	810 00
	" R. M. Saunders,	do 1	do	90 00
	Alexander Troy, Solicitor,	11	do	220 00
	John F. Poindexter,	do 11	do	220 00
	Hon. J. J. Daniel, Judge Supreme Co.	1	do	625 00
	" Wm. Gaston,	do	1 do	625 00
	" Thos. Ruffin,	do	1 do	625 00
	Thos. P. Devereux, Reporter,		1 do	150 00
	Nickling & Johnson, for printing and mailing Devereux and Battle's Reports,			334 69
	Hon. Thos. Settle, Judge Superior Co.	11 cer.		990 00
	" Jno. R. Donnell,	do	6 do	540 00

Edward Stanly, Solicitor,	7 do	140 00
		<hr/>
		\$8,369 69

REBUILDING CAPITOL.

T. L. West, Sec'y to Board of Commiss'rs,	5,400 00
do do do	5,500 00
do do do	550 00
do do do	1,000 00
	<hr/>
	\$12,450 00

TREASURY NOTES BURNT.

Amount burnt by Committee of Finance.	1,368 11
Ditto do do	184 80
	<hr/>
	\$1,552 91

BOGUE BANKS.

James Gibbs,	12 73
Thomas Murray,	12 74
	<hr/>
	\$25 47

PENSIONERS.

Christopher Baxley	50 00
Thomas Ewell	50 00
Ann Morrison	40 00
Isabella Campbell	40 00
Matthew Miller	95 00
Elizabeth Rives	40 00
Martha Spears	50 00
Alexander Taylor	50 00
John Rhem	100 00
Mary Sloan	80 00
	<hr/>
	\$595 00

EXECUTIVE DEPARTMENT.

Thos. B. Haywood, Gov. Spaight's salary for the 4th Quarter 1836,	\$500 00
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DEPARTMENT OF STATE.

Wm. Hill, Sec'y of State, salary 4th Quarter 1836,	\$200 00
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TREASURY DEPARTMENT.

S. F. Patterson, Pub. Treas. 4th Quarter salary 1836,	375 00
Stephen Birdsall, Clerk to Treasury Department,	125 00
	<hr/>
	\$500 00

COMPTROLLER'S DEPARTMENT.

N. A. Stedman, Compt'r, 4th Quarter salary 1836, \$250 00

ADJUDANT GENERAL'S OFFICE.

Beverly Daniel, Adj't Gen. half-year's salary, \$100 00

GENERAL ASSEMBLY.

Jno M Skinner,	Member of Senate,	202 00
Thos G Polk	do do	202 00
Stephen Fox	do do	210 50
Alexander Mebane	do do	197 25
Thos H Hall	do do	187 20
Weldon N Edwards	do do	188 60
Thos Marshall,	House of Commons,	195 20
Dillon Jordan	do do	153 00
Henry Blount	do do	165 00
Sam'l Smallwood	do do	213 00
Wm Fleming	do do	183 40
Oliver K Tuton	do do	193 00
James A Dunn	do do	212 40
F B Satterthwaite	do do	208 00
John Boon	do do	177 00
Abner Neale	do do	194 00
Blake W Braswell	do do	168 00
John H Jarman	do do	136 00
Dixon Sloan	do do	162 00
Windal Davis	do do	148 50
John R Walker	do do	165 00

\$3,861 05

CONTINGENCIES

Turner & Hughes, for Stationery for the General Assembly and public offices,	699 27
Henry J Brown, repairing chairs for the Secretary's office,	1 50
J H D'Cartaret, for folding and stitching Revised Statutes,	45 25
John H Hill, by resolution of General Assembly,	44 00
Thomas Loring, for printing,	1494 35
Ephraim Cox and James Vestal, by a resolution of the General Assembly,	200 00
Henry W Miller, compensation as clerk to commissioners appointed to revise public statutes,	300 00
Wm H Battle, one of said commissioners	500 00
James Iredell, do do	500 00
Frederick Nash, do do	500 00
Wm Wilkins, for carrying express to Jno Wilfong, informing him of his election as an elector,	30 00
John Nutt, do do Jo'n Parker,	36 67

Isaac Truitt	do	do	Robert Love,	50 00
Isaac Baxter,	do	do	W B Lockhart,	54 45
Willis G Scott,	do	do	N Macon,	13 60
Thos J Lemay,	printing for the Treasury Department,			10 00
Thos J Lemay,	printing for Comptroller			6 00
Green Hill,	per resolution General Assembly,			30 11
Wm H Williams,	sundries use Executive office,			17 75
Jacob Loftin,	setting glass	do		2 00
Turner & Hughes,	resolution General Assembly,			84 00
Haywood & Little,	Hand Iron for Executive office			1 80
				<hr/> 4,620 75

RECAPITULATION

Electoral elections	1,224 02
Electors for President and Vice President	410 60
Senatorial elections	2 50
Judiciary	8,369 69
Rebuilding Capitol	12,450 00
Treasury Notes Burnt	1,552 91
Bogue Banks	25 47
Pensioners	595 00
Executive Department	500 00
Department of State	200 00
Treasury Department	500 00
Comptroller's Department	250 00
Adjutant General's Office	100 00
General Assembly	3,861 05
Contingencies	4,620 75
<hr/> 34,661 99 <hr/>	

The above is a statement of the Disbursements from the
1st of Nov. 1836, to the 19th January, 1837, inclusive.

Comptroller's Office, Raleigh, Nov. 1st, 1837.

WM. F. COLLINS, Compt.

Dr.

D. W. Courts, Public Treasurer

1837	
Jan. 31	To cash received of Bank of Cape Fear, bank dividends of stock, unappropriated of 2 per cent. on 10 shares, for the half year, ending 31st Dec. 1836, 20 00
"	" Cash received of Whitmell Stallings, member of Legislature, overpaid him, 6 00
"	" Cash received of Jno. W. Bryan, member of Legislature, overpaid him, 3 00
Feb. 28	" Cash received, amount appropriated from the Surplus Revenue, to defray the civil and contingent expenses of the State government, 100,000 00
April	" Cash received of F. J. Haywood, being principal and interest on second bond, given for purchase lands, near Raleigh, 196 27
"	" Cash received of F. J. Haywood, part payment of first bond, for purchase of lands, near Raleigh, 28 73
May	" Cash received of W. H. Haywood, Jr. this amount having been recovered of the President and Directors of the State Bank of North Carolina, in the name of "the Attorney General to the use of the State of North Carolina," in the Supreme Court, 13,250 17
June	" Cash received of W. H. Haywood, Jr. agent for the State, under authority of the Governor, the same having been paid under an act of Congress, for militia services and expenditures during the late war with Great Britain, 30,000 00
Aug.	" Cash received of Merchants' Bank of Newbern, tax of one-fourth per cent. on 2250 shares of stock, 562 50
" 31	To cash received this month, being am't of Public Revenue collected and paid by Sheriffs for 1836, 3,112 73
Sept. 30	" Cash received this month, being am't Public Revenue collected and paid by Sheriffs for 1836 68,243 83
"	" Cash received of the same, being amount of Public Revenue collected and accounted for by them in the additional returns for 1835, 330 04

in account with the State of North Carolina

C.R.

1837			
Jan. 19	By balance due S. F. Patterson, late public Treasurer, and transferred to D. W. Courts, his successor in office,		\$20,920 37
Jan. 31	By disbursements, Jan. 19, to 31, inclusive,	40,634 53	
Feb. 28	Ditto, this month	20,782 05	
Mch. 31	Ditto, "	6,437 11	
Apr' 30	Ditto, "	35,307 82	
May 31	Ditto, "	18,343 14	
June 30	Ditto, "	13,109 51	
July 31	Ditto, "	10,759 71	
Aug. 31	Ditto, "	4,200 84	
Sep. 30	Ditto, "	20,098 81	
Oct. 31	Ditto, "	11,821 63	
		<hr/>	181,495 15
Nov. 1	By balance due North Carolina,		21,190 61
			<hr/>
			\$223,606 13
			<hr/>

Dr.

D. W. Courts, Public Treasurer,

1837

Sept. 30	To Cash received of Bank of the State, being bank tax of 25 cents on each individual share of stock held in said bank for the year 1837,	2,250 00
	" Cash received of W. H. Haywood, Jr. in addition to former payment in a suit lately determined in the Supreme Court against the State Bank of No. Carolina,	4,214 66
Oct. 31	" Cash received of Bank of Cape Fear, for Bank tax of 25 cents per share, on 3190 shares, from 1st Oct. 1836 to Nov. 17, and, on 5878 shares, from Nov. 17, to 1st October, 1837,	1,381 75
"	" Cash received of Henry Spencer, late Sheriff of Hyde county, being an ad- ditional public tax, collected and ac- counted for by him, for the year 1835,	6 45
		<hr/> \$223,606 13
1837		
Nov. 1	To balance due North Carolina,	<hr/> \$21,190 61

in account with the State of North Carolina.

C.R.

Amount brought forward,

\$223,606 13

WM. F. COLLINS, Compt.

North Carolina, Comptroller's Office, }
November 1st, 1837. }

DISBURSEMENTS

AT THE PUBLIC TREASURY FROM JAN. 19 TO OCT. 31, INCLUSIVE.

GENERAL ASSEMBLY.

Hugh Waddell, Speaker of the Senate,	\$263 20
Jonathan Redding, Member do	207 70
Thomas G. Polk do	9 00
Weldon N. Edwards do	6 00
Samuel Whitaker do	193 20
John Barnett do	203 40
J. O'K. Williams do	215 40
William W. Cowper do	222 90
William Albright do	200 60
David S. Reed do	208 00
Michael Reinhardt do	222 50
Alfred Dockery do	206 50
John Exum do	205 00
Daniel S. Saunders do	216 00
John C. Taylor do	195 60
H. G. Spruill do	226 00
Samuel L. Arrington do	186 00
James Gudger do	242 00
Thomas Bunting do	199 00
James W. Bryan do	226 00
John D. Hawkins do	191 40
Thomas Baker do	246 20
John M. Bryant do	216 00
Joseph M'D. Carson do	236 00
John E. Hussey do	213 50
Josiah Houlder do	197 00
John L. Hargrave do	199 00
Edmund Jones do	233 00
Andrew Joiner do	208 80
John B. Kelly do	204 50
James Kerr do	193 00
Daniel Lindsay do	236 00
James T. Morehead do	208 00
Duncan McCormick do	207 60
James Burney do	211 20
Christopher Melchor do	219 20
Matthew R. Moore do	218 40
Lewis Marsteller do	216 50
W. D. Mosely do	200 00
Absalom Myers do	198 40

George F. Davidson	do	222 00
William Moody	do	194 25
Alfred Moye	do	202 00
Jesse Cooper	do	209 00
William Dobson	do	221 00
Thomas G. Stone,	CLERK do	462 40
James R. Dodge	do	407 00
Thomas B. Wheeler, Door Keeper	do	208 00
Green Hill	do	198 00
Kenneth Rayner, for George Montgomery, dec'd		148 00
Wm. H. Haywood, jr., SP' R H. of COMMONS,		256 00
Peter Adams,	Member do	208 00
John A. Averitt	do	214 00
James Bird	do	248 50
Charles Brummell	do	214 00
John Clayton	do	246 75
Wm. D. Crawford	do	211 12
Calvin Coor	do	196 00
Henry Cansler	do	221 10
G. W. Caldwell	do	182 00
J. M. Covington	do	216 00
Richard C. Cotton	do	200 00
Peter Critz	do	219 00
J. Calloway	do	222 00
Michael Cox	do	207 60
Thomas Campbell	do	222 60
Moses Chambers	do	191 00
John Clement	do	218 50
Daniel W. Courts	do	146 00
J. H. Bedford	do	233 40
Silas Davenport	do	221 00
John J. Daniel	do	198 60
Edward J. Erwin	do	234 00
Charles R. Eaton	do	199 60
Tilman Farrow	do	238 00
Charles Fisher	do	132 50
Herod Faison	do	182 40
L. A. Guinn	do	193 20
John Grady	do	211 40
James George	do	204 60
J. M. Gillespie	do	215 40
Sterling H. Gee	do	196 00
Roderick B. Gary	do	210 50
John S. Guthrie	do	202 00
James M. Gwynn	do	266 00
Josiah T. Granberry	do	221 00
Robert B. Gilliam	do	200 00
Weston R. Gales	do	192 00
William A. Graham	do	200 40

Stephen Holingsworth	do	200 20
John H. Hawkins	do	192 50
Thomas Hooker	do	203 00
Michael Hoke	do	220 00
Charles Henry	do	207 40
Abner Hartley	do	220 80
William S Harris	do	220 00
Thos Howerton	do	198 00
William Horton	do	230 40
James Hutchinson	do	226 50
Frederick J Hill	do	223 50
O W Holland	do	229 50
James W Howard	do	214 00
Wm. Harris	do	218 20
Thomas Hoskins	do	234 00
Philip J Irion	do	212 00
Enoch S Jordan	do	212 00
Thomas S. Judkins	do	204 60
Thomas Jefferson	do	234 50
Nathaniel J King	do	185 60
D H Kenion	do	159 75
O. K Kenion	do	205 25
James A King	do	222 00
William A Lea	do	180 00
Isaac W Lane	do	190 00
William B Lane	do	207 00
John F Lee	do	214 50
Jesse H Lindsey	do	190 00
Solomon Loudermilk	do	229 25
Elisha P. Miller	do	226 20
W J F Miller	do	231 30
Caleb H Matthews	do	213 80
Spence McClennahan	do	197 60
Josiah Maultsby	do	217 35
John A D McNeil	do	204 20
Joseph J Macklin	do	198 00
Isham Matthews	do	204 00
Bartholomew Moore	do	208 60
John McAlister	do	211 70
Macon Moye	do	181 00
John A McKay	do	222 00
James McKnight	do	236 40
Alfred Perkins	do	231 50
David Pritchard	do	232 00
Ely Petty	do	158 00
James H. Perkins	do	236 20
Michael Pinkston	do	215 00
Montreville Patton	do	243 00
Kenneth Rayner	do	217 40
Raleigh Roebuck	do	212 00

Pleasant B Roberts	do			222 00
Nathaniel G Rand	do			193 00
John Spiers	do			204 00
Dixon Sloan	do			33 00
Francis L Simpson	do			206 00
Joshua S Swift	do			210 00
John Stockard	do			202 80
Whitmell Stallings	do			222 90
John S Smith	do			259 00
Thomas H Speller	do			139 00
Samuel Smallwood	do			9 00
George Thomas	do			208 40
Thomas Tomlinson	do			196 20
Thomas Ward	do			217 20
Alexander Watson	do			212 25
Raeord Whitley	do			200 20
Kedar Whitley	do			200 00
James M Williamson	do			202 00
Charles Manly, Principal Clerk	do	do		500 00
E B Freeman, Assistant	do			434 00
Isaac Truitt, Door-keeper	do	do		266 00
James Page, Assistant	do			213 00
Thomas L. West, Engrossing Clerk				256 00
James J Thomas	do	do		264 00
Peter R Lilly	do	do		279 00
S W Whiting	do	do	Pro tem.	40 00
Hezekiah G Spruil	do	do	do	12 00
Alfred Moyer	do	do	do	8 00
Joshua E Lumsden	do	do	do	30 00
Thomas G Forster	do	do	do	30 00
Isaac Truitt	do	do	do	30 50
Resolution				100 00
Alsy H Tucker				292 80
Leander Truitt				60 00
Resolution concerning contingencies				12 65

\$35,548 52

JUDICIARY.

Hon T Ruffin, C J Sup'm C't, 3 certificates				\$1875 00
" William Gaston, Judge	3	do		1875 00
" Jos J Daniel	do	3	do	1875 00
" John L Bailey,	do		Sup'r C't half	
years salary				975 00
" John M Dick,	do	do	do	975 00
" Thomas Settle	do	do	do	975 00
" R M Saunders	do	do	do	975 00
" Fred Nash	do	do	do	975 00
" R M Pearson	do	do	do	975 00

" John D Toomer	do	do	do	975 00
" Robert Strange	do	do	1 certificate	90 00
John R J Daniel, Attorney General,	4 certificates of 100 dolls each,	and 7 do of 20 dolls each		540 00
John L Henderson, Salary, Clerk Supreme Court,				
Stationery and Books for Supreme Court,				1612 40
Samuel T Sawyer, Solicitor, 2 certificates				40 00
David Outlaw	do	10	do	200 00
John F Poindexter	do	11	do	220 00
Edward Stanly	do	11	do	220 00
James R Dodge	do	16	do	320 00
James Gwinn	do	9	do	180 00
Malicha Haughton, pro tem.	3	do		60 00
Alexander Troy	15	do		300 00
Paschal B Burt, Sheriff, attendance on Supreme Court,				288 00
Nicklin & Johnson, printing Battle & Devereux's Reports of Supreme Court,				478 12
Thomas P Devereux, Reporter to do				150 00
				<hr/>
				\$17,148 52

REBUILDING CAPITOL.

T. L. West, Secretary to the board of Comm'rs.				\$4,145 00
do	do	do		16,300 00
do	do	do		16,400 00
do	do	do		7,500 00
do	do	do		9,450 00
do	do	do		7,800 00
S Birdsall	do	do		900 00
S Birdsall	do	do		16,100 00
S Birdsall	do	do		6,300 00
				<hr/>
				\$84,895 00

EXECUTIVE DEPARTMENT.

C. C. Battle, private secretary, Gov. Dudley's salary for quarter ending 31st March, 1837				500 00
do	do	30th June	do	500 00
do	do	30th Sept	do	500 00
C. C. Battle, private secretary, his salary for quarter ending 31st March 1837				75 00
do	30th June	do		75 00
do	30th Sept	do		75 00
				<hr/>
				\$1725 00

DEPARTMENT OF STATE.

William Hill, Secretary of State, his salary for quarter ending 31st March, 1837	200 00
Do do 30th June do	200 00
Do do 30th Sept. do	200 00
	<hr/>
	600 00

COMPTROLLER'S DEPARTMENT.

William F. Collins, Comptroller, his salary for quarter ending 31st March, 1837	250 00
Do do 30th June do	250 00
Do do 30th Sept. do	250 00
	<hr/>
	\$750 00

TREASURY DEPARTMENT.

Samuel F. Patterson, late Public Treasurer, for 19 days' services,	78 09
D. W. Courts, Public Treasurer, his salary for the quarter ending 31st March, 1837,	296 91
Do do do 30th June, "	375 00
Do do do 30th Sept. "	375 00
Stephen Birdsall, Clerk, his salary for quarter ending 31st March, 1837,	125 00
Do do do 30th June, "	125 00
Do do do 30th Sept. "	125 00
	<hr/>
	1500 00

ADJUTANT GENERAL'S OFFICE.

Beverly Daniel, Adju't Gen. his salary for the half-year ending 31st July, 1837,	\$100 00
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PUBLIC PRINTING.

Thomas J. Lemay, Editor of the Star, for printing public Acts of the Legislature, Session of 1836-7	227 25
Do printing 3,500 copies of the Acts of the same and 100 copies of blank receipts for delivering them to clerks,	1,877 00
J. Gales & Son, printing Journals of the General Assembly for 1836-7,	1,028 00
	<hr/>
	\$3,132 25

PENSIONERS.

Martha Thompson, for 1836,	50 00
William Alexander, "	75 00
Wm. Hill, Attorney, for Wm. Minnis, Ex'r. of	
J. Minnis,	53 75

\$178 75

SHERIFFS FOR SETTLING TAXES.

Jno. M. Smith	Sheriff Davidson Co.	15 30
Thomas L. Lea	Caswell	9 50
A. G. Howell	Haywood	33 00
Thomas Wilson	Yancy	28 00
John Harman	Chatham	6 30
Samuel Terry	Richmond	13 00
Leslie Gilliam	Granville	7 50
James Queen	Lincoln	22 00
J. W. Williamson	Columbus	15 00
Nathan Bagley	Perquimons	21 90
Etheldred J. Peebles	Northampton	12 50
Geo. Philips	Ashe	23 00
J. B. Dawson	Craven	15 50
Salathiel Stone	Stokes	13 20
W. D. Petway	Edgecomb	9 00
Joshua A. Pool	Pasquotank	23 00
R McDaniel	Jones	13 80
Israel Brooks	Hyde	23 00
James W. Doke	Guilford	12 00
Wm. D. Rascoe	Chowan	18 00
W. Hawkins	Brunswick	17 60
Alexander Johnson	Cumberland	9 70
Martin Roberts	Rockingham	13 00
Wm. Wilkins	Rutherford	25 00
Geoege W. Melvin	Bladen	12 80
George Hoover	Randolph	10 50
J. R. Riddick	Gates	18 90
Thomas Forster	Davie	16 50
James Truitt	Macon	38 50
Willie Jones	Buncombe	30 00
Simon M. Smithwick	Martin	13 00
James Simmons	Halifax	11 00
Neil M'Alpin	Robeson	12 00
Curtis Thompson	Sampson	10 50
John Freeman	Bertie	14 00
J. H. Hardie	Rowan	16 00
Wm. Thompson	Wayne	8 00
William G. Jones	Warren	8 50
John W. Taylor,	Greene county,	9 50

Young H. Allen	Anson	15
Eben. Hearne	Montgomery	14 70
James C. Turrentine	Orange	6 60
Peter Harrell	Onslow	15 20
Evander M'Intosh	Moore	8 00
Guston Perry	Franklin	6 10
William Merry	Camden	25 75
Hardy Walters	Person	8 50
Allen Grist	Beaufort	15
Jos. M. Bogle	Iredell	20 20
Robert B. Davis	Washington	18
Henry G. Hampton	Surry	18 70
Edward K. Jiggitts	Hertford	15 50
John McCleece	Tyrrell	23
Thomas J. Kenion	Duplin	11 50
Allen Ballinger	Johnston	5 60
Benjamin M. Selby	Pitt	12 50
Paschall B. Burt	Wake	4 70
Absalom Fulford	Carteret	19 50
Isaac Baxter	Currituck	26 75
J. McConaughay	Mecklenburg	19
John Davis	Lenoir	11
John Boon	Burke	23
John J. Bryan	Wilkes	21
Wm. W. Bryant	Nash	6 50
Wm. H. Archibald	Cabarras	18

\$1,018 80

CONGRESSIONAL ELECTIONS.

Risden McDaniel	Sheriff	Jones Co	6 56
W. D. Petway		Edgecomb	11 83
Joshua Pool		Pasquotank	6 33
Salathiel Stone		Stokes	8 33
J. B. Dawson		Craven	8 33
P. B. Burt		Wake	8 50
Allen Grist		Beaufort	2 50
Jos. M. Bogle		Iredell	5 16
John McCleece		Tyrrell	17 83
Edward K. Jiggitts		Hertford	10
Joshua Williamson		Columbus	12 50
George W. Melvin		Bladen	10 50
William Merry		Camden	2 50
Guston Perry		Franklin	2 50
John Freeman		Bertie	9 50
Israel Brooks		Hyde	15 83
J. J. Bryant		Wilkes	2 50
Eben. Hearne		Montgomery	10 83

Peter Harrell	Onslow	13
Owen Fennell	New Hanover	2 50
J McConnaughay	Mecklenburg	2 50
Y. H. Allen	Anson	6 16
W. G. Jones	Warren	6 66
John Boon	Burke	12 50
John Davis	Lenoir	5 00
J C Turrentine	Orange	2 50
Hardy Walters	Person	7 16
Thomas J Kenion	Duplin	11 66
Henry G Hampton	Surry	7 83
Robert B Davis	Washington	12 16
Allen S Ballinger	Johnston	11 66
Benjamin Selby	Pitt	6 66
Evander McIntosh	Moore	10 00
Absalom Fulford	Carteret	16 38
William W Bryant	Nash	5 66
Isaac Baxter	Currituck	11 00
Nathan Bagley	Perquimons	4 66
E J Peebles	Northampton	3 16
George Philips	Ashe	7 50
N G Howell	Haywood	7 50
Thomas Wilson	Yancy	10 83
J R Riddick	Gates	6 63
George Hoover	Randolph	2 50
James Queen	Lincoln	6 66
William Wilkins	Rutherford	9 50
Martin Roberts	Rockingham	2 50
Alexander Johnson	Cumberland	11 33
William D Rascoe	Chowan	4 33
William Hawkins	Brunswick	10 66
J W Doke	Guilford	5 00
Leslie Gilliam	Granville	7 50
Thomas Forster	Davie	5 50
James Truitt	Macon	13 83
Willie Jones	Buncombe	2 50
S M Smithwick	Martin	10 83
Curtis Thompson	Sampson	13 33
John W Taylor	Greene	6 66
James Simmons	Halifax	4 75
Neill McAlpin	Robeson	10 83
J M Smith	Davidson	7 50
Thomas L. Lea	Caswell	8 33
John Harman	Chatham	9 16
Samuel Terry	Richmond	3 16
John H Hardie	Rowan	10 00
William H Archibald	Cabarras	5 83
William Thompson	Wayne	7 50

\$520 49

CONVENTION RETURNS.

Thomas J Kenion Sheriff Duplin County	\$16 66
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COUNCIL OF STATE.

Amount paid Council on Governor's Warrant	88 80
do do do do	81 40
	\$170 20

INTEREST ON STATE LOAN.

Charles Manly, Treas'r of University, 5 per cent. interest on 100,000 dollars loaned the State by the Trustees of the University, for the 6 months ending 1st Feb. 1837,	2,500 00
John Delafied, interest on 300 bonds of the State of 1000 dollars each, (Cherokees) from 1st Au- gust, 1836, to 6th March, 1837, inclusive,	9,000 00
	\$11,500 00

ELECTORAL ELECTIONS.

Peter Harrell, Sheriff Onslow,	20 83
Henry G Hampton, Sheriff Surry,	28 66
	\$49 49

SENATORIAL ELECTIONS.

Edw'd K Jiggitts, Sheriff Hertford,	2 50
Jno Davis, " Lenoir,	7 90
Nathan Bagley, " Perquimons,	3 66
Wm Dozier, Coroner Pasquotank,	7 66
Wm D Rascoe, Sheriff Chowan,	6 16
James R Riddick, " Gates,	6 33
Jno W Taylor, " Greene,	3 75
	\$39 96

BOGUE BANKS.

Wm B Bell, of Beaufort, Carteret county,	\$12 73
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GOVERNMENT HOUSE.

Richard Ashton, for work done,	\$10 35
C. H. Johnson, do do do	100 00
Check on New York, for Furniture,	3000 00
Order of Gov. Dudley, for Disbursements,	100 00
C. H. Johnson, for repairing,	600 00

Sundry warrants paid for repairing,	657 88
do do do	589 62
	<hr/>
	\$5,047 50
	<hr/>

CONTINGENCIES.

R W Ashton, superintending public arsenal	\$30 00
do Settling and removing tomb stone over grave of James Adams, member from Guilford	5 00
do Keeping arsenal and super'g cleaning public arms	42 50
George Williamson, late Sh'ff Caswell per resolution	122 20
Samuel F Patterson, public treasurer do	200 00
Kenneth Rayner, do	27 00
William Merry, Sh'ff Camden do	11 40
William Thompson do	67 60
Widow of late Wm Gilliam of Surry do	7 84
Simon Smithwick Sheriff of Martain do	38 40
George Hoover do of Randolph do	4 80
Robert Newsom, services to executive office	2 50
Samuel F Patterson services and expenses negotiating redemption of Scrip	300 00
John B Turner, apprehending N Howell, fugitive	200 00
William Hill, services as librarian from Jan. 1st 1832 to Jan 1st 1837	250 00
Do Distributing acts & resolutions of General Assembly	200 00
Do Extra services as Sec'y of State & State Librarian	37 50
Do Copying acts of Assembly for use of commissioners to superintend publication of Revised Statutes	280 00
Do Copying 4 acts of Assembly for public service, postage on entry taker's return from Brunswick & Judge's certificate from Fayetteville	8 95
Do For coffee bags used in distributing laws and journals	9 45
Do State Librarian and superintending public printing	37 50
Do Quarter's salary as librarian	37 50
Joseph Gales & Son, binding &c.	94 50
Do printing &c	77 50
Thomas Loring, printing &c	723 74
T G Scott, postage Adjutant General's Office	19 68
Do do Comptroller's do	5 71
Do do Treasury department	8 17
Do do Executive do	38 55

Do	do	Treasury	do	5	72
Do	do	Executive	do	40	69
Do	do	Comptroller's Office		7	92
Do	do	Adj't Gen'ls	do	138	75
Do	do	Comptroller's	do	4	18
Do	do	Treasury department		10	99
Do	do	Executive	do	125	41
Do	do	Comptroller's Office		6	11
Do	do	Treasury department		4	91
David Ruth and Mark McWilliams for work & painting to executive office				13	00
Anthony Urban repairing and cleaning public arms				664	96
Do	do	do	do	442	55
Do	do	do	do	440	96
Do	do	do	do	1188	66
Do	do	do	do	376	30
Thompson Parham work done to Comp's Office				1	05
John B. Jasper per resolution General Assembly				72	00
Fabius J. Haywood for rent of room for Sup'rme C't.				225	00
Thompson Parham book case for executive office				16	00
Thomas J. Lemay Printing &c				5	00
Do	do			111	15
Do	do	printing rev'd statutes concerning militia		180	00
Do	do	for Literary board		78	50
Do	do	documents and proc. for ex'utive		25	00
Do	do	Treasury office		15	30
Green Hill carrying express to council				51	40
C. C. Battle, secretary to the council				6	00
Turner & Hughes for printing & publishing Revis'd Statutes				6,000	00
Do	do	For Convention Debates		115	50
Do	do	Stationery		296	77
Wm. A. Williams & Co. furnishing executive office				34	20
Thomas McNeilly, 3 seals for Davie county				24	00
Wm. H. Haywood, jr. expenses in negotiating State loan in 1836				310	000
Sam'l & John Malone, furnishing and cutting-fire wood for public offices				216	00
Daniel Gardner for distributing the Laws & Journ'ls				32	50
Henry Whitaker	do	do	do	107	62
Remus J. West	do	do	do	90	00
James Page	do	do	do	130	00
James Iredell one of commissioners superintending printing of Revised Statutes				600	00
James Iredell, in part for his services as comm'r do				150	00
Wm. H. Battle req. of self and Jas. Iredell comm'rs do				400	00
C. H. Johnson, repairs to executive office				22	87
Lunsford Lane waiting on do				24	00

Leavin B. Barnard, apprehending under proclamation and bringing back from Indiana G. W. Co-burn fugitive	640 22
A. & B. Stith and Sarah Polk, for hauling public arms	323 14
John Hutchins do do	235 21
W. & A. Stith do do	114 54
A. Wiley do do	59 85
N. Campbell for Sarah Polk do do	74 90
J. H. Weeks of Boston, boxing, shipping and insuring Revised Statutes	224 00
J. C. Turrentine, sheriff Orange, insolvents allowed by General Assembly for 1836-'37	32 40
W. D. Alexander allowed do	4 50
W. B. Davis, sheriff of Tyrrell, amount tax and expenses in selling two tracts of land, the same having been purchased in by the State in the name of the Governor and filed in the Sec'y of State's office	3 46
Edward K. Jiggitts for going to Richmond, Va. after negro man fugitive	120 75
	<hr/>
	\$17,530 93

DISBURSEMENTS BY THE PRESENT TREASURER.

Legislature,	\$35,548 52
Contingencies,	17,530 93
Rebuilding Capitol,	84,895 00
Judiciary,	17,148 52
Treasury Department,	1,500 00
Government House,	5,057 89
Pensioners,	178 75
Electoral Elections,	49 49
Sheriffs for Settling taxes 1836,	1018 80
Interest on State Loan,	11,500 00
Comptroller's Department,	750 00
Executive Department,	1725 00
State Department,	600 00
Public Printing,	3,132 25
Council of State,	170 20
Convention returns,	16 66
Adjutant General's Office,	100 00
Congressional Elections,	520 49
Senatorial Elections,	39 96
Bogue Banks,	12 73
	<hr/>
	\$181,495 15

TOTAL.

Am't. rec'd by S. F. Patterson to 19th Jan., 1837	\$16,412 00	
Am't. rec'd by D. W. Courts, to 31st October,	223,606 13	
	<hr/>	240,018 13
Deduct amount due S. F. Patterson, Nov. 1, 1836	2,670 38	
Disbursed by S. F. Patterson,	34,661 99	
Do by D. W. Courts,	181,495 15	
	<hr/>	\$218,827 52
Leaving in the hands of the Public Treasurer on the 1st of Nov. 1837, a balance of		<hr/> \$21,190 61

Dr. *D. W. Courts, Treasurer of Literary Fund,*

	To balance received of S. F. Patterson, former Treasurer, on the 19th January, 1837,	\$25,192 04
Jan.	To cash received for entries vacant land,	66 85
	To cash received of Bank of Cape Fear, being dividend of two per cent. on 50 shares owned by the President & Directors of the Literary Fund, for the half year ending Dec. 31, 1836,	100 00
	To cash received of Bank of Cape Fear, dividend of 2 per cent. declared on 704 shares of stock in the capital of said Bank, by the State, for the half year ending with Dec. 1, 1836, appropriated to the Literary Fund,	1,408 00
Feb.	To cash received for entries of vacant lands,	186 23
March	To cash received for do do	209 96
April	To cash received of the surplus revenue, being the amount appropriated by the last General Assembly for draining the swamp lands of this State,	200,000 00
	To cash received of Surplus Revenue, being the amount appropriated by the last General Assembly to pay for 3000 shares of stock in the Bank of Cape Fear,	300,000 00
	To cash received for entries of vacant land,	89 98
May	To cash received for do do do	219 92
June	To cash received for do do do	97 37
July	To cash received of C. C. Battle, Secretary to the Literary Board, being principal and interest of notes discounted by said Board,	2,134 33
	To cash received, being amount of loan to Internal Improvement fund returned,	34,828 13
	To cash received for entries of vacant lands,	164 33
Aug.	To cash received for tavern tax,	56 40
	To cash received for entries of vacant lands,	73 29
Sept.	To cash received for auction tax,	19 18
	To cash received for tavern tax,	2,829 40
	To cash received for entries of vacant lands,	743 98
Oct.	To do do do do do,	83 97
	To cash received of Bank of the State, being one-fourth per cent. dividend declared on shares held in the capital stock of said bank by the President and Directors of the Literary fund,	1,250 00
	To cash received from auction tax,	24 56
	To cash received of C. C. Battle, Secretary of the Literary Board, being interest on notes discounted by said Board,	1,639 87
	To cash received of E. B. Dudley, Pres. ex officio of the Board of Internal Improvements, be-	

in account with President and Directors of Literary Fund, Cr.

	By this sum paid John & Thos. Webb, being amount refunded as having been overpaid on entries of vacant lands,	7 50
April	By stock in Bank of Cape Fear, being amount paid E. B. Dudley, D. W. Courts and W. R. Gales, commissioners to receive subscriptions to the capital stock of said bank for 3000 shares subscribed for the State in conformity with an act of the last General Assembly,	300,000 00
	By cash, being loan to the Internal Improvement fund,	34,828 13
	W. R. Gales, one of the commissioners to receive subscriptions for the capital stock of the Bank of Cape Fear, being first instalment on 200 shares subscribed by the President and Directors of the Literary Fund,	4,000 00
	Paid members of Literary Board compensation, This amount, being loans made by the Literary Board, under act of Assembly,	132 00
	This amount loaned to individuals,	144,197 00
May	Stock in Bank of Cape Fear, paid C. C. Battle, being amount due on 207 shares of the capital stock of said bank,	1,000 00
July	Paid D. Carter, commissioner for draining Mattamuskeet Lake by act of Assembly,	4,280 00
	Paid C. C. Battle, to defray expenses of the Literary Board,	2,500 00
	Paid Isaac Croom, tax fees due him and returned by R. Hooks clerk of Wayne county court, per act of Assembly, session, 1832 '3,	290 87
	Paid this amount, being loans made by the Literary Board out of the funds appropriated for draining the Swamp Lands of this State,	18 00
Aug.	Paid D. Carter, Commissioner for draining Mattamuskeet Lake,	66,700 00
	do do do do,	2,500 00
	do do do do,	3,000 00
Oct.	Paid C. B. Shaw, Civil Engineer, to purchase Instruments, &c.	792 00
	Paid Instalments on stock in the Bank of Cape Fear,	4,140 00
	By balance due Literary Fund, Nov. 1, 1837,	5,140 79
		<hr/> \$573,526 29

Dr. D. W. Courts, Treasurer of Literary Fund,

1837		
Oct.	ing interest on notes discounted by said Board, and appropriated to the Literary Fund by act of Assembly,	750 00
	To cash received of C. C. Battle, Secretary to the Literary Board, being interest on notes discounted by said Board,	1,171 00
	To cash received of C. C. Battle, Secretary of the Board of Internal Improvement, being interest on loans made by said Board, and appropriated to the Literary Fund by act of Assembly,	187 50
		<hr/>
		\$573,526 29
1837		
Nov. 1	To balance due President and Directors of the Literary Fund,	\$5,140 79
		<hr/>

in account with President and Directors of Literary Fund, Cr.

Amount brought forward.

\$573,526 29

WM. F. COLLINS, Compt.

Comptroller's Office, N. Carolina, }
Raleigh, Nov, 1st, 1837. }

1837
Nov. 1

To balance due President and Directors
of the Literary Fund, \$5,140 79

DR. *D. W. Courts, Treasurer of Internal Improvement Fund,*

	To cash received of S. F. Patterson, former Treasurer, Jan. 19, 1837,	\$56,547 61
Jan.	Cash received of Bank of Cape Fear, being in full of a dividend of two per cent. declared on 1358 shares of stock in said Bank held by the State and appropriated to Internal Improvement Fund,	2,716 00
	Cash received on Cherokee Bonds,	70 00
April	Cash received of surplus revenue, being balance appropriated by act of Assembly to Internal Improvement Fund	55,838 26
	Cash borrowed of Literary Fund,	34,828 13
	Cash received of surplus revenue, being amount appropriated to Int'l Improvement Fund by an act of the last General Assembly 1836-37,	477,919 13
Sept.	Cash received on Cherokee Bonds,	868 56
Oct.	Cash received, loan returned,	25,000 00
		<u>\$653,787 69</u>
1837		
Nov. 1	To balance due President and Directors of the Board of Internal Improvement,	<u>\$37,368 31</u>

\$653,787 69

W. M. F. COLLINS, Comp.

Comptroller's Office, Raleigh, Nov. 1, 1837.

Dr. W. Collins, Treasurer of Internal Improvement Fund.
in acc't with President and Directors of Fund for Int. Imp. Cr.

April	By Raleigh & Wilmington Rail Road Co. this sum paid James Owen, President, being the first instalment of the subscription made on the part of the State,	\$150,000 00
"	By N. J. King, commissioner, paid for surveying and selling the Cherokee lands under an act passed 1836-'7, prescribing the mode of surveying and selling the Cherokee lands,	4,000 00
"	By C. C. Battle, this sum paid to defray expenses of the Board,	34 00
May	By clerk and members paid for their services,	129 25
July	By Literary Board, loan returned,	34,828 13
"	By loans made by the Board of Int'l Imp'ment,	352,000 00
"	Paid N. J. King, commissioner for surveying and selling Cherokee lands,	1,000 00
"	By Weldon Toll Bridge Company,	12,500 00
"	By Stephen Birdsall, clerk to the Board,	51 00
"	By C. C. Battle, to defray expenses of the Board,	89 00
Aug.	By loans made by the Board,	44,750 00
Sept.	By do do do,	2,000 00
"	By N. J. King, commissioner for surveying and selling Cherokee lands,	6,000 00
Oct.	By loans made by the Board,	9,000 00
"	By C. C. Battle, to defray expenses of the Board,	38 00
Nov. 1	By balance due Board of Internal Improvement,	37,368 31
		<hr/> \$653,787 69 <hr/>

WM. F. COLLINS, Compt.
 Comptroller's Office, Raleigh, Nov. 1, 1837.

A STATEMENT OF THE REVENUE OF NORTH CAROLINA.

A Statement of the net amount of that branch of the Revenue which is receivable by Sheriffs, for the year 1836.

County.	Sheriff's Name.	Land Tax.	Town Property Tax.	Poll Tax.	Stool Horse Tax.	Store Tax.	Crate Tax.	Water Police and Pedlar Tax.	12 cent Tax, including Laurel Hill, belonging to Lucy Fain.	Artificial Cane Tax.	Natural Cane Tax.	Billiard Table and Dice Tax.	Broker and Lottery Tax.	Negro Trader's Tax.	Amounts received by Sheriffs upon additional returns.	Amount due from public Tax.	Amount paid by Sheriffs.
		Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
Ashe	1 Young H. Allen	324 35	2 38	154 72	12 40	50 76	4 70	37 61	11 38	38 20	...	...	...	...	1 104 18	1034 16	423 35
Ashe	3 George W. Allen	100 00	7 90	190 07	27 73	132 28	4 70	112 80	18 20	38 20	...	...	...	...	3 708 21	708 21	21 31
Bacon	3 Willie Jones	355 91	28 83	190 07	27 73	132 28	4 70	112 80	18 20	38 20	...	...	...	...	3 363 30	363 30	30 30
Barnwell	4 William Hankins	183 82	1 58	199 44	...	...	...	...	...	...	...	...	...	...	3 1336 15	1336 15	15 15
Beaufort	3 Allen Criss	103 65	107 23	219 65	4 70	54 28	9 40	42 30	151 60	36 40	...	...	...	...	6 1346 60	1346 60	60 60
Berkley	3 John H. Allen	511 82	...	425 82	61 10	183 36	...	90 40	75 20	36 40	14 10	...	...	...	7 628 09	628 09	9 09
Bladen	2 George W. Melvin	254 75	5 18	336 14	4 70	53 84	4 70	18 80	37 60	71 44	14 10	...	...	...	8 1608 56	1608 56	56 56
Bertie	8 John Freeman	244 48	...	744 48	41 56	32 18	...	37 60	91 34	56 40	...	...	...	...	9 1730 31	1730 31	31 31
Craven	10 Abner Patton	182 10	23 21	186 55	4 70	78 02	...	18 80	53 40	...	...	...	...	...	11 437 90	437 90	90 90
Cumberland	1 Isaac Baxter	145 21	...	282 44	4 70	48 88	...	71 44	...	...	...	...	...	...	11 391 90	391 90	90 90
Camden	13 William Merry	247 50	17 70	879 28	40 88	538 76	...	94 00	73 20	38 20	28 20	...	...	...	13 1574 35	1574 35	35 35
Casswell	13 Thomas L. Lee	243 22	63 31	874 12	49 88	106 46	...	56 40	33 84	...	...	...	...	...	13 1435 25	1435 25	25 25
Chowan	14 William D. Rascoe	538 27	21 81	604 04	...	...	...	37 60	13 04	...	...	...	...	...	17 2003 37	2003 37	37 37
Chatham	16 Alexander Johnson	96 88	3 01	148 92	8 40	38 36	...	37 60	13 04	...	...	...	...	...	17 800 85	800 85	85 85
Cumberland	17 Joshua Williamson	318 96	4 93	330 33	12 74	276 44	9 40	...	86 48	84 60	14 10	...	...	...	18 830 12	830 12	12 12
Cabarrus	18 William H. Archibald	491 45	...	433 94	50 66	167 58	...	18 80	11 28	...	...	...	...	...	19 841 81	841 81	81 81
Duplin	20 Thomas J. Kennard	207 61	...	244 28	30 68	62 78	4 72	56 40	11 28	...	...	...	...	...	20 1101 94	1101 94	94 94
Davidson	21 Thomas Foster	809 12	33 96	282 07	65 98	143 70	...	18 80	18 80	...	...	...	...	...	21 616 38	616 38	38 38
Edgecomb	20 William D. Petway	603 91	34 74	463 86	61 10	579 76	...	...	...	...	...	...	...	...	22 3103 33	3103 33	33 33
Franklin	32 Gaston Perry	206 04	22 47	333 23	32 96	143 70	...	18 80	18 80	...	...	...	...	...	22 1084 14	1084 14	14 14
Gaillard	34 James W. Dink	202 62	...	530 24	13 04	73 20	...	56 40	33 84	...	...	...	...	...	24 1575 37	1575 37	37 37
Gates	33 James R. Riddick	615 34	40 14	321 47	13 28	38 88	...	37 60	41 56	...	...	...	...	...	24 738 20	738 20	20 20
Granville	20 Leslie Gilliam	887 28	...	875 70	57 34	285 88	...	18 80	45 20	...	...	...	...	...	25 958 36	958 36	36 36
Greene	17 John H. Taylor	322 00	51 86	385 40	2 83	52 60	4 70	18 80	41 56	...	...	...	...	...	25 384 28	384 28	28 28
Halifax	30 Edward K. Jiggett	113 11	4 45	101 22	9 87	36 40	...	37 60	41 56	...	...	...	...	...	25 379 35	379 35	35 35
Herford	30 Israel Brooks	399 45	14 47	486 17	25 88	801 16	...	73 20	92 56	...	...	...	...	...	26 1382 20	1382 20	20 20
Hyde	21 Nelson G. Howell	318 22	4 20	572 90	16 16	35 46	...	112 80	38 20	...	...	...	...	...	26 644 87	644 87	87 87
Wayne	32 Joseph M. Bogle	535 10	10 36	423 10	51 23	77 08	...	...	...	...	...	...	...	...	26 934 79	934 79	79 79
Jones	33 Ruden M. McDaniel	825 85	...	740 40	13 16	510 60	14 10	150 40	48 88	112 80	28 20	...	...	...	26 2894 11	2894 11	11 11
Johnston	34 Allen S. Baltiger	180 78	7 78	348 74	...	...	...	57 60	26 32	...	...	...	...	...	26 648 16	648 16	16 16
Lenoir	36 John Davis	214 50	...	510 56	1 58	53 84	4 70	57 60	26 32	...	...	...	...	...	26 465 83	465 83	83 83
Moore	37 Evander Mcintosh	100 83	13 84	116 94	17 86	84 60	9 40	18 80	18 80	...	...	...	...	...	26 802 37	802 37	37 37
Macon	38 James Pratt	227 63	61	503 13	7 99	103 98	...	112 80	38 20	...	...	...	...	...	26 954 72	954 72	72 72
Montgomery	39 Eden Heale	638 18	8 28	726 28	33 73	808 58	...	112 80	38 20	...	...	...	...	...	26 809 45	809 45	45 45
Mecklenburg	40 Joseph McConaughy	388 18	259 13	639 30	12 22	948 40	...	37 60	90 24	...	...	...	...	...	27 2247 50	2247 50	50 50
Martin	41 Owen Fennell	283 22	11 47	387 06	32 36	104 24	...	66 40	33 20	...	...	...	...	...	27 879 75	879 75	75 75
New Hanover	42 William H. Bryant	746 18	6 21	703 87	102 46	124 08	...	94 00	73 20	...	...	...	...	...	27 1815 12	1815 12	12 12
Nash	43 Ethelred J. Peebles	214 48	2 83	233 12	66 37	335 24	...	37 60	33 36	...	...	...	...	...	27 558 17	558 17	17 17
Northampton	43 Peter Harrell	204 69	51 03	898 83	31 96	65 80	...	18 80	37 60	...	...	...	...	...	27 426 254	426 254	254 254
Onslow	46 James C. Turpin	230 69	...	441 42	...	...	...	18 80	113 80	...	...	...	...	...	27 892 77	892 77	77 77
Orange	47 Hardy Waters	237 91	38 43	510 69	4 70	306 44	...	57 60	37 60	...	...	...	...	...	27 700 35	700 35	35 35
Pasquotank	48 Joshua A. Pool	238 19	9 59	313 08	16 43	80 84	...	57 60	37 60	...	...	...	...	...	27 1441 84	1441 84	84 84
Perquimans	49 Nathan Bagley	307 99	20 53	532 00	24 44	182 40	4 70	112 80	87 20	...	...	...	...	...	27 950 84	950 84	84 84
Pitt	50 Benjamin M. Selby	429 17	79 11	493 18	23 50	182 36	...	11 38	36 40	...	...	...	...	...	27 1093 80	1093 80	80 80
Randolph	51 John H. Hardie	433 43	6 30	315 09	37 60	139 72	...	18 80	37 60	...	...	...	...	...	27 534 674	674 674	674 674
Rockingham	52 George Haver	574 55	...	333 34	10 99	139 72	...	18 80	37 60	...	...	...	...	...	27 1634 29	1634 29	29 29
Rockingham	53 Martin Roberts	234 19	...	297 49	10 99	55 40	...	18 80	37 60	...	...	...	...	...	27 1066 00	1066 00	00 00
Robeson	54 Neil McAlpin	237 54	30 80	509 86	12 23	73 52	4 70	110 36	47 00	...	...	...	...	...	27 1089 70	1089 70	70 70
Richmond	55 Samuel T. Davis	925 60	30 07	309 10	31 02	216 20	4 70	206 88	112 80	...	...	...	...	...	27 1253 162	1253 162	162 162
Richmond	56 William Wilkins	302 27	...	453 23	29 14	141 00	...	56 40	71 44	...	...	...	...	...	27 1020 74	1020 74	74 74
Sampson	57 Henry Thompson	410 00	4 21	365 47	29 14	141 00	...	56 40	71 44	...	...	...	...	...	27 1253 162	1253 162	162 162
Surry	58 Charles G. Hampton	474 18	42 02	438 42	33 84	101 76	...	56 40	71 44	...	...	...	...	...	27 436 24	436 24	24 24
Swain	59 Safford Stone	142 38	...	185 56	12 13	11 33	...	56 40	71 44	...	...	...	...	...	27 61 531 33	531 33	33 33
Tyrrell	60 John McCleese	192 08	59 25	193 45	2 22	04 04	...	18 80	48 88	...	...	...	...	...	27 61 531 33	531 33	33 33
Washington	61 Robert B. Davis	231 25	15 96	230 40	9 40	73 32	...	37 60	131 60	...	...	...	...	...	27 61 531 33	531 33	33 33
Wilkes	62 John J. Bryan	667 16	127 39	793 80	54 52	405 14	4 70	45 60	34 46	...	...	...	...	...	27 61 531 33	531 33	33 33
Wake	64 William G. Dure	517 98	...	736 72	10 54	94 00	...	56 40	71 44	...	...	...	...	...	27 61 531 33	531 33	33 33
Warren	65 William Thompson	89 81	3 61	82 51	9 87	28 80	...	56 40	71 44	...	...	...	...	...	27 61 531 33	531 33	33 33
Wayne	66 Thomas Wilson	...	...	...	...	...	...	...	...	...	...	...	...	...	27 61 531 33	531 33	33 33

Additional for 1835 and former years.

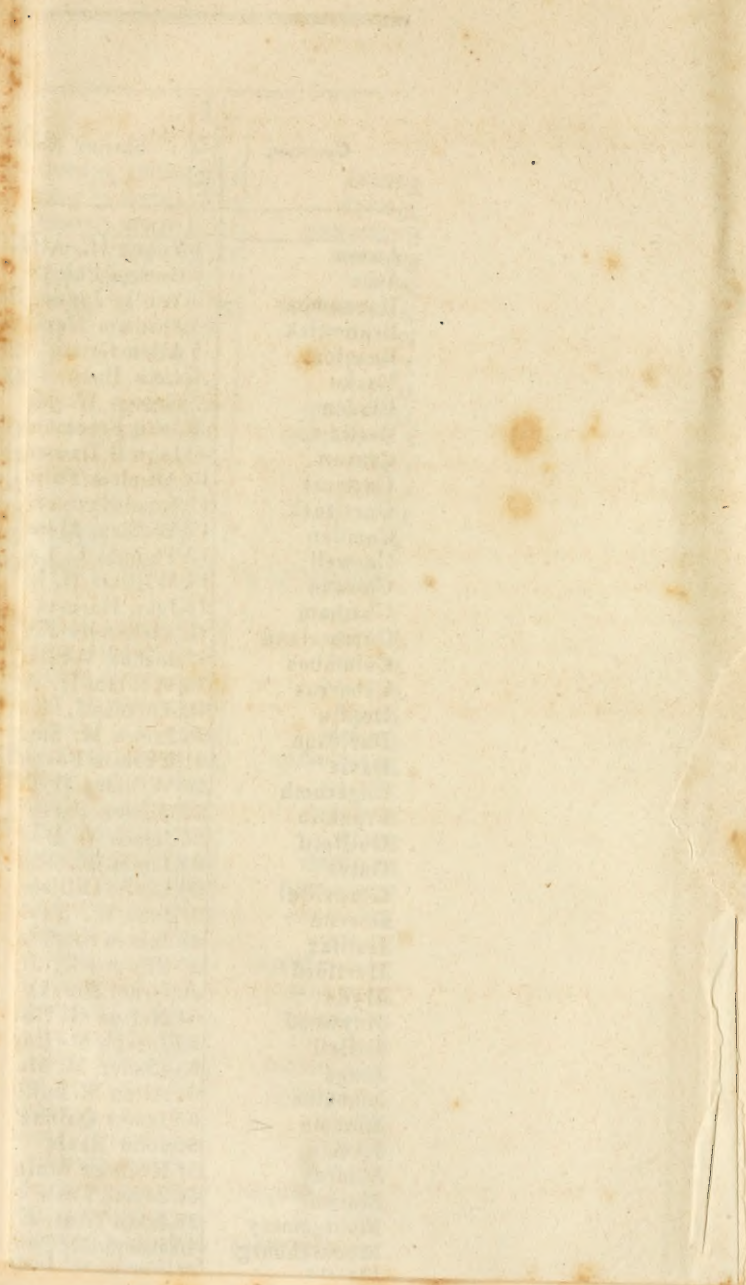
Ashe	1 George Phillips	00 70	3 38	2 35	...	...	...	...	...	...	...	...	...	...	6 49 1	...	...
Casswell	2 Thomas L. Lee	31 57	1 27	19 33	...	...	...	18 80	5 76	...	...	...	...	...	31 52 8	...	...
Chatham	3 John H. Allen	8 19	6 20	...	...	...	...	...	...	...	...	...	...	...	8 19 0	...	...
Chowan	4 William D. Rascoe	...	...	...	...	...	...	...	...	...	...	...	...	...	3 29 4	...	...
Cumberland	5 John McLean	...	...	1 09	...	...	...	...	...	...	...	...	...	...	3 31 5	...	...
Edgecomb	6 William D. Petway	16 66	25	...	...	...	...	...	...	...	...	...	...	...	8 54 6	...	...
Hyde	7 Henry S. Spencer	...	...	3 38	...	...	...	...	...	...	...	...	...	...	6 45 7	...	...
Lincoln	8 Thomas Ward	14 03	...	6 96	...	...	...	...	...	...	...	...	...	...	23 81 8	...	...
Macon	9 Simon M. Smithwick	12 25	...	11 84	...	...	...	...	...	...	...	...	...	...	24 09 9	...	...
Northampton	10 James H. Wood	35 33	...	16 93	...	...	...	...	...	...	...	...	...	...	25 24 0	...	...
Nash	11 Samuel W. Wick	10 40	...	1 88	...	...	...	...	...	...	...	...	...	...	12 38 11	...	...
Robeson	12 Neil McAlpin	13 47	...	10 99	...	...	...	...	...	...	...	...	...	...	24 07 13	...	...
Richmond	13 William Carson	2 22	...	...	...	...	...	...	...	...	...	...	...	...	3 38 14	...	...
Warren	14 William G. Jones	10 78	...	5 30	...	...	...	...	...	...	...	...	...	...	12 98 15	...	...
Wayne	15 Thomas Wilson	...	...	...	...	...	...	...	...	...	...	...	...	...	27 61 531 33	...	...

Additional Tax Taver Tax belonging to the Literary Fund, not included in the general amounts of taxes, due and paid as above stated, 2 883 80 2 883 80

Total amount received of Sheriffs for 1836 & T. 74578 85 74578 85

A Statement of that Branch of the Revenue, which arises from duties imposed on Sales at Auction, and from the Banks of the State, for Tax on Stock of one fourth per centum on each Share held by individuals for the years 1836-7.

Names of Auctioneers	Counties and Years.	Am't due from Am't. by Auctioneers.	Am't paid by Am't. by Auctioneers.
John M. Strong,	Cumberland, 1836 6	2 81	
Samuel W. Tillinghast,	Cumberland, 1836 6		
Samuel W. Tillinghast,	Portland 1836 6 191 29	191 29	
Edward W. Wilkins,	Cumberland, 1836 7	156 91	
William Peck,	Wake, 1836 7	387 07	
Joseph S. Fowler,	Craven, 1836 7	21 21	21 21
Henry Dewey,	Craven, 1836 7	17 13	
John C. Ehringhaus,	Pasquotank, 1836 7	92 79	
William Labovitz,	Pasquotank, 1837	19 18	19 18
		3 35	3 35
		755 97	43 71
BANKS.			
	Shares owned by Individuals.	Am't due.	Am't paid.
Bank of the State of N. C.	9000 shares	\$250 00	\$250 00
Merchants' Bank of Newbern,	2250 shares	562 50	562 50
Bank of Cape Fear,	6578 shares	181 75	181 75
		\$119 25	\$4194 25
RECAPITULATION OF RECEIPTS.			
			Dolls. Cts.
Bank dividends on unappropriated Stock,			16,332 00
Bank tax, viz. Bank of the State of N. Carolina,			
u " Bank of Cape Fear, 872 1/2 shares,	2220 00		
u " Merchants' Bk of Newbern, 2250 sh's, 562 50	131 75		
Revenue paid by Sheriff's—the revenue of 1836,			4,194 25
do do			



REPORT

FROM THE

COMPTROLLER'S DEPARTMENT

OF

NORTH CAROLINA,

TO THE

GOVERNOR OF THE STATE,

SHEWING

THE RECEIPTS AND DISBURSEMENTS

AT THE

TREASURY DEPARTMENT,

FOR THE

Fiscal Year, ending October 31, 1843.

RALEIGH:

THOS. J. LEMAY, PRINTER FOR THE LEGISLATURE.

1844.

REPORT
NOV 15 1843
COMMUNICATIONS
NOV 15 1843
RALEIGH, *November 15th, 1843.* }
EXECUTIVE OFFICE. }

WESTERN R. GALES, ESQ.

Dear Sir:—I hand you herewith a Communication from the Hon. William F. Collins, Comptroller of State, accompanied by a Report of the Finances of this State, for the fiscal year, ending October 31st. 1843.

In conformity to the Law on the subject, I request that you will publish said Communication and Report in your Register, and request that the same may be published in the Salisbury Watchman, Newbernian, Raleigh Star and Democratic Signal.

I have the honor to be your obedient servant,

J. M. MOREHEAD.

COMPTROLLER'S OFFICE. }
November 15th, 1843. }

Sir:—In obedience to an Act of the General Assembly of North Carolina, passed at the Session of 1836-7, entitled "An Act concerning the Comptroller's Office," I have the honor to hand you herewith a Report, exhibiting the receipts and disbursements at the Public Treasury of North Carolina, from the 1st day of November, 1842, to the 31st day of October, 1843, inclusive.

I have the honor to be,

With great respect,

Your obedient servant,

WILLIAM F. COLLINS, Comptroller.

HIS EX. JNO. M. MOREHEAD, GOVERNOR, N. C.

Dr. *Charles-L. Hinton, Treasurer of Literary Fund, in account*

1842		
Nov. 1	To balance due President and Directors of Literary Fund of North Carolina, on the 1st day of November, 1842,	\$57,998 30
	“ cash received during this month for entries of vacant land,	698 53
	“ cash received of Joseph S. Fowler, Auctioneer of Craven county, in full of his tax on sales at auction for 1842,	22 91
Dec. “	“ cash received during this month for entries of vacant land	1374 51
	“ cash received, being amount of error in land entries in settlement with the Comptroller in 1840,	10 00
	“ cash received during his agency on entries of vacant land	430 30
	“ cash received of Governor Morehead, President ex officio of Literary Board, being amount of principal paid on loans made by said Board,	1587 17
	“ cash received of Gov. Morehead, being interest received on loans made by the Literary Board,	344 74
	“ cash received of Gov. Morehead, being interest received on loans made by the Board of Internal Improvements,	528 00
		<hr/> \$ 62,994 46
1843		
Jan. 21	To balance due President and Directors of the Literary Fund on 21st Jan. 1843,	\$39,267 06

RECAPITULATION OF RECEIPTS.

Amount on hand 1st November, 1842,	57,998 30
Entries of vacant land,	2,513 34
Auction Tax,	22 91
Principal on loans,	1,587 17
Interest on ditto,	344 74
Interest on ditto by Internal Improvement Board,	528 00
	<hr/> 62,994 46

1842

Nov.	By cash paid A. C. Dickinson, contractor on the tributaries of Alligator Canal, for current account relative to experimental farm, getting shingles, &c. and towards the excavation of said tributaries,	\$12,000 00
	" cash paid a loan from the Com. School Fund	225 00
	" cash paid Weston R. Gales, printer, done by order of the Literary Board for Common School purposes,	26 25
	" cash paid Editor of the Messenger, for advertising sale of Swamp Lands,	15 00
Dec.	" cash paid the following counties for Common School purposes, viz.	
	Hertford County,	\$ 347 80
	Surry do.	1,783 16
	Halifax do.	693 70
	Tyrrell do.	214 46
	Richmond do.	388 88
		3,428 00
	" cash paid Thos. J. Lemay, printing done by order of the Literary Board,	26 00
	" cash paid, being amount of land receipts issued and accounted for on the Treasurer's books, which were not paid for by individuals,	13 00
Nov.	cash p'd this am't for Com. Schools, (as follows:)	7,994 15
	Columbus County,	\$725 92
	Robeson do.	487 14
	Chatham do.	757 57
	Mecklenburg do.	755 91
	Wilkes do.	643 74
	Cabarrus do.	417 32
	Currituck do.	308 51
Dec.	Buncombe do.	555 86
	Montgomery do.	268 57
	Stokes do.	808 62
	Johnston do.	484 16
	Brunswick do.	235 99
	Perquimons do.	329 99
	Chowan do.	276 35
	Pasquotank do.	390 03
	Camden do.	271 96
	Rockingham do.	276 51
		23,727 40

1843. By John H. Wheeler, Treas. Lit'y Fund; the successor of C. L. Hinton, late Treas. of the Lit. Fund, 39,267 06

RECAPITULATION OF DISBURSEMENTS.

Swamp Lands,	12,000 00	
Loans by Literary Board,	225 00	
Printing by order of the Literary Board,	67 25	
Common Schools,	11,422 15	23,714 40
Land Entries,		13 00
Balance,		39,267 06
		\$62,994 46

Dr.

*John H. Wheeler, Treasurer of Literary Fund, in ac-***1843.**

Jan. 21	To cash received of Charles L. Hinton, late Public Treasurer, being balance in his hands as Treasurer of Literary Fund, which amount has been passed over to John H. Wheeler, Treasurer elect on the 21st January, 1843,	\$ 39,267 06
	" cash received, being transfer by resolution of the General Assembly from the Public Fund, the same having been received from the General Government on account of the proceeds of the sales of the public lands,	23,147 14
	" cash received of Charles L. Hinton, agent, by resolution to receive entries on vacant lands,	510 30
	" cash received as entries of vacant land this month after the agency of Charles L. Hinton terminated,	484 41
	" cash received of Charles Dewey, Cashier of the Bank of the State, being a dividend of 3 per cent. declared on 5000 shares of stock held in said Bank by the President and Directors of Literary Fund,	15,000 00
	" cash received of David W. Stone, Cashier of the Bank of Cape Fear at Raleigh, being a dividend of 3 per cent. declared on 5322 shares of stock held in said Bank by the President and Directors of the Literary Fund,	15,966 00
Feb'y	" cash received as entries of vacant lands during this month,	128 75
March	" cash received as entries of vacant lands during this month,	131 32
April	" cash received during this month for entries of vacant land,	63 10
	" cash received of Gov. Morehead, President ex officio of the Literary Board, being principal on bonds due as loans by the Literary Board,	11,906 92
	" cash received of Governor Morehead, President ex officio of the Literary Board, as interest on loans made by said Board,	15,562 43
	" cash received of Gov. Morehead, President ex officio of the Board for Internal Improvements, as interest on loans made by said Board,	169 76
May	" cash received as entries of vacant lands during this month,	379 78
June	" cash received as entries of vacant lands during this month,	22 73
	" cash received of Gov. Morehead, President ex officio of the Literary Board, being principal on loans made by said Board,	2,183 82

count with the President and Directors of Literary Fund,

Cr.

1843		
Jan. 29	By Cash paid expenses of the members of the Literary Board, including their Clerk,	382 00
	“ cash paid Common Schools, as follows, viz	
	Rutherford County, \$ 332 00	
	Buncombe do 513 94	
	Ashe do 1,505 71	
	Henderson do 263 90	
	Gates do 477 66	3,093 21
Feb'y.	“ cash paid Wilmington and Raleigh Rail Road Bonds, endorsed by the State, and due Jan'y. 1st, 1843, directed by Act of Assembly, to be taken up by the Literary Board,	50,000 00
	“ cash paid Israel James, Agent to the National Intelligencer being for publication of the sales of Swamp Lands, as ordered by the Literary Board,	28 50
	“ cash paid Pryor Reynolds, to pay the subscription to the Farmers' Register, ordered by the Literary Board,	10 00
March.	“ cash paid Jno. M. Morehead, Governor and President ex-officio of the Literary Board, being amount of principal and interest on the Note of Geo. E. Badger and D. W. Stone, the same having been given to the Literary Board to pay off a debt due to Contractors for furnishing the Public Buildings, &c.	688 00
	“ cash paid Jno. M. Morehead, President ex-officio Literary Board, being amount credited on John M. Mason's Note, due the Literary Board, as per Resolution of the Legislature of 1842 & '3,	202 21
	“ Cash paid Yancy County, for Common Schools this am't,	1,213 80
	“ cash paid Mrs. Margaret McPheeters, by the Literary Board, being the purchase by said Board of 27 shares of stock held in the Capital of the Bank of the State by Dr. McPheeters,	2,700 00
	“ cash paid expenses of the members and Clerk of the Literary Board, from 5th Jan'y. 1843, to the 1st April 1843,	180 00
	“ cash paid loan from the Common School Fund, on the Bond of William F. Collins and others,	650 00
	“ cash paid A. C. Dickinson for Major Gwyn, to defray his expenses as Engineer to examine and report on the tributaries of Alligator, by order of the Literary Board,	70 00
	“ cash paid A. Dickinson, Contractor on the tributaries of Alligator Canal, for work done on said tributaries,	1,500 00
	“ cash paid the following Counties for Common School purposes, (viz.)	

Dr.

*John H. Wheeler, Treasurer of Literary Fund, in ac-***1843****July**

To cash received of Gov. Morehead, President ex officio of the Literary Board, being interest on loans made by said Board,	665 86
" cash received for entries of vacant land during this month,	699 90
" cash received of Gov. Morehead, President ex officio of the Literary Board, being interest due on bonds held by the President and Directors of the Literary Fund, of the Raleigh and Gaston Rail Road Company, which bonds are guaranteed by the State, and interest due on 1st Monday in July 1843,	4,959 00
" cash received of Charles Dewey, Cashier of the Bank of the State, being dividend No. 16, declared on the shares of stock held in said Bank by the President and Directors of the Literary Fund,	16,337 75
" cash received of David W. Stone, Cashier, being in full of dividend declared on the shares held in the Bank of Cape Fear by the President and Directors of the Literary Fund,	15,966 00
" cash received of Andrew Joyner, President of the Roanoke Navigation Company, being a dividend of one per cent. on 500 shares of stock held in said Company by the President and Directors of the Literary Fund,	500 00
Augst " cash received for entries of vacant land during this month,	79 34
" cash received of Sheriffs during this month, being a tax on retailers of spirituous liquors,	169 20
" cash received for entries of vacant lands, during this month,	342 49
Sept " cash received of sundry Sheriffs, being a tax on retailers of spirituous liquors for 1843,	2,137 56
" cash received of Robert Gant, Auctioneer of Lincoln, being amount of his tax on sales at auction, from 1st day of Oct. 1842, to 31st day Sept. 1843, inclusive,	1 39
" cash received of Gov. Morehead, President ex officio of the Literary Board, being interest on loans made by said Board,	1,525 11
" cash received of Gov. Morehead, President ex officio of the Literary Board, being principal on loans made by the said Board,	736 02
Oct " cash received for entries of vacant lands, during this month,	260 20
" cash received of Wm. Dunn, Auctioneer,	35 85

count with the President and Directors of Literary Fund,

Cr.

	Beaufort County,	\$637 00	
	Johnston do	562 00	
	Person do	493 00	
	Franklin do	541 00	
	Guilford do	1,107 00	3,340 00
May	" cash paid the following counties for Common School purposes (as follows:)		
	Rutherford county,	\$851 00	
	Randolph do	753 00	
	Caswell do	725 00	
	Currituck do	358 00	
	Granville do	937 00	
	Bladen do	407 00	
	Cumberland do	802 00	
	New Hanover do	658 00	
	Mecklenburg do	962 00	
	Perquimons do	378 00	
	Halifax do	800 00	
	Martin do	398 00	
	Wayne do	576 00	
	Chatham do	863 00	
	Onslow do	393 00	
	Lenoir do	375 00	
	Northampton do	652 00	
	Carteret do	369 00	
	Sampson do	635 00	
	Greene do	615 21	
	Wilkes do	675 00	
	Orange do	1,317 00	
	Cabarrus do	513 00	
	Ashe do	444 00	
	Robeson do	563 00	
	Anson do	791 00	
	Brunswick do	270 00	
	Duplin do	569 00	
			17,649 21
	" cash paid Pryor Reynolds, Secretary to Gov. Morehead to pay James W. Satchwell and others, ordered to be paid by Resolution of the General Assembly, out of the Literary Fund,		
			30 00
June.	" cash paid the following Counties for Common School purposes, (viz.)		
	Caldwell County,	\$306 00	
	Hyde do.	341 00	
	Jones do.	233 00	
	Iredell do.	867 00	
	Gates do.	371 00	
	Macon do.	289 00	
	Pitt do.	583 00	
	Richmond do.	440 00	
	Surry do.	878 00	
	Washington do.	235 00	
			4,543 00

Dr.

John H. Wheeler Treasurer of Literary Fund in ac.

1843.

Oct.	To cash received of Joseph J. Fowler,	do	32 80
	" " S. S. Backus,	do	28 99
	" " John T. Jones,	do	4 74
	" " Robt. G. Rankin,	do	65 07
	" " Talcott Burr,	do	173 71
	" " E. W. Wilkins,	do	23 25
	" " Amos Kimball,	do	54 15
	" " William Peck,	do	23
	" " V. Winfree,	do	2 22

\$169,724 35

1843

Nov. 1	To Balance due President and Directors of Literary Fund of N. C. on 1st day Nov. 1843,	\$63,043 99
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count with the President and Directors of Literary Fund,

Cr.

1843.				
July	"	cash paid Davie do.		416 00
	"	cash paid Pryor Reynolds, being amount of expenses of the members and Clerk of the Literary Board, from 1st April to 1st July 1843,		251 30
	"	cash paid, being amount reimbursed by the Literary Board to Gov. Morehead and R. S. Myers, having been paid by them for getting shingles in Swamp Lands,		104 00
August	"	cash paid A. C. Dickinson, Contractor on the tributaries of Alligator Canal, as by order of the Literary Board,		3,018 43
	"	cash paid the following Counties for Common School purposes, (viz.)		
		Camden County,	\$306 00	
		Craven do.	682 00	
		Moore do.	452 00	
		Haywood do.	272 69	
		Wake do.	1,095 00	
		Pasquotank do.	453 00	
				3,260 69
Sept.	"	cash paid the following Counties for Common School purposes, (viz.)		
		Davidson County,	\$4,699 70	
		Martin do.	504 83	
		Pitt do.	740 75	
		Bertie do.	579 00	
		Columbus do.	215 00	
		Yancy do.	358 00	
		Buncombe do.	586 00	
		Henderson do.	302 00	
		Nash do.	2,029 00	
		Tyrrell do.	567 63	
		Person do.	623 40	
		Hertford do.	377 00	
				\$11,582 21
Oct.	"	cash paid David W. Stone to remit to R. S. Myers, to meet expenses incurred in getting shingles, ordered by the Literary Board, for market,		300 00
	"	cash paid Pryor Reynolds, Secretary, to pay expenses of the Members of the Literary Board, and his own as Clerk to said Board,		141 00
	"	cash paid Montgomery County for Common Schools March dividend 1843,		310 00
	"	cash paid Halifax County for Common Schools, Sept. Dividend 1843,		1,016 70
		Balance,		63,043 99
				\$169,724 35

Dr.

*John H. Wheeler, Treasurer of Literary Fund in ac-***RECAPITULATION OF RECEIPTS.**

This amount received of C. L. Hinton, (late Public Treasurer,)	39,267 06
Transfer by Resolution of General Assembly,	23,147 14
Entries of Vacant Land,	3,102 32
Principal on loans by the Literary Board,	14,826 76
Interest do. do. do	17,753 40
Bank dividends, Bank of the State,	31,337 75
do. do. Bank Cape Fear.	31,932 00
Interest on Raleigh and Gaston R. R. Bonds,	4,959 00
Interest on loans by the Internal Improvement Board,	169 76
Auction Tax,	422 40
Roanoke Navigation Dividends,	500 00
Retailers of Spirituous Liquors,	2,306 76

\$169,724 35

count with the President and Directors of Literary Fund,

CR

RECAPITULATION OF DISBURSEMENTS.

Wilmington and Raleigh Rail Road Bonds,	\$50,000 00
Common Schools,	46,424 92
Swamp Lands,	5,020 93
Loans of Literary Board,	650 00
Margaret McPheeters, (Bank Stock,)	2,700 00
Notes given for Public purposes,	890 21
J. W. Satchwell and others,	30 00
Expenses of Literary Board,	954 30
Farmers' Register,	10 00
Add balance on hand, 1st November 1843,	63,043 99
	<hr/>
	\$169,724 35

RECAPITULATION OF RECEIPTS.

Dr. *Charles L. Hinton, Treasurer of Fund for Internal Improvements,*

1842

Nov. 1	To balance due President and Directors of Fund for Internal Improvements, on the 1st day of November 1842,	20,429 66
	" cash received of Jacob Siler, Agent to collect Cherokee Bonds, being amount collected on sundry Bonds given for the purchase of lands sold in 1838. See agent's Quarter return.	808 98
	" cash received of J. S. Dillard and other Justices of Haywood County Court, being in part of a Bond given by said Dillard and others to the State for Cherokee Lands, denominated Bonds for 1836,	400,00
Dec.	" cash received of Jacob Abernathy, purchaser of section No. 43 in District No. 6 of Cherokee Lands sold in 1838, being in part of 2d instalment,	40 00
	" cash received of Governor Morehead, President ex-officio of the Board of Internal Improvements, being principal on Bonds discounted by said Board,	1,200 00
		<hr/> \$22,878 64

Jan. 21

1843	Balance due President and Directors of Fund for Int. Improvements,	<hr/> \$22,800 84
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RECAPITULATION OF RECEIPTS.

Cherokee Bonds sale, 1838,	848 98
J. S. Dillard and others, Justices, (sale 1836,)	400 00
Principal on loans by Internal Improvement Board,	1,200 00
Add balance on hand, 1st, November 1842,	20,429 66
	<hr/> \$22,878 64

in account with President and Directors of Int. Imp. Fund,

Dr.

1842
Cec.

By Cash paid expenses of the members of the Board of Internal Improvements, as by order of said Board, including Clerk's expenses to Weldon,	77 80
" Balance transferred to Jno. H. Wheeler, Treasurer Elect,	22,800 84
	<hr/>
	\$22,878 64

RECAPITULATION OF DISBURSEMENTS.

Expenses of the Internal Improvement Board,	77 80
Add balance on hand 21st Jan 1843,	22,800 84
	<hr/>
	\$22,878 64

Dr. John H. Wheeler, Treasurer of Fund for Internal Improvements, in ac-

1843

Jan. 21	To balance due President and Directors of Fund for Internal Improvements, as transferred by C. L. Hinton, late Treasurer of Internal Improvement Fund, to John H. Wheeler, his successor,	22,800 84
	" cash received of David W. Stone, Cashier of the Bank of Cape Fear, being a dividend of 3 per cent. declared on 112 shares of Stock, held in the Capital of said Bank, by the President and Directors of Fund for Internal Improvements,	336 00
	" cash received of Edmund Jones, being in part of the 3d Instalment on Bond, given for the purchase of Cherokee Lands, sold in 1838,	150 00
April.	" cash received of Abraham Hawshaw, being amount paid on Bonds given for the purchase of Cherokee Lands at the sale of 1838,	155 73
	" cash received of Gov. Morehead, President ex-officio of the Internal Improvement Board, being Principal on loans made by said Board,	2,750 00
May	" cash received of the Administrator of Nelson A. Strange, deceased, being part payment on his Bonds given for the purchase of Cherokee Lands, at the sale of 1838,	800 00
June	" cash received of Jacob Siler, Agent to collect Cherokee Bonds,	962 00
July	" cash received of David W. Stone, Cashier, being a dividend of 3 per cent, declared on 112 shares of stock held in the Bank of Cape Fear by the President and Directors of Fund for Internal Improvement,	336 00
August	" cash received of Edmund Jones, by the hands of Gen. Patterson, being payment in part on a Bond given for the purchase of Cherokee Lands at the sale of 1838,	223 00
	" cash received of Jacob Siler, through Gov. Swain, being amount collected by said Siler on Cherokee Bonds as State Agent, Bonds given at the sale of 1838,	185 00
Sept	" cash received of John Sudderth, being in full for Bonds given for Tract No. 124 in District No. 3, for Cherokee Lands sold in 1838,	57 60
		<hr/> \$28,756 17 <hr/>

1843

Nov. 1	To balance due President and Directors of Fund for Internal Improvements on the 1st day of November 1843,	\$27,049 94
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count with President and Directors of Int. Improvement Fund. Cr.

1843

Jan. 27	By Cash paid Stephen Birdsall, Clerk to the Board of Internal Improvements for 24 days services to said Board,	72 00
March	" cash paid, being loan made by the Board of Internal Improvements,	200 00
June	" cash paid, being amount of notes discounted by the Board of Internal Improvements,	1,314 23
Sept	" cash paid Thomas L. West, Clerk to the Board of Internal Improvements, being for 40 days services to said Board,	120 00
	Balance,	27 049 94
		<hr/> \$28,756 17

Dr. John H. Wheeler, Treasurer of Fund for Internal Improvements in ac-

RECAPITULATION OF RECEIPTS.

Principal on loans by Internal Improvement Board,	\$2,750 00
Bank dividends, Bank Cape Fear,	672 00
Cherokee Bonds, (sale of 1838,)	2,533 33
Add balance on hand 21st January, 1843,	22,800 84
	<hr/>
	\$28,756 17

count with President and Directors of Int. Improvement Fund, Cr.

RECAPITULATION OF DISBURSEMENTS.

Stephen Birdsall, Clerk to the Internal Improve-	
ment Board,	72 00
Thomas L. West, do. do. do.	120 00
Loans by the Board of Internal Improvements,	1,514 23
	<hr/>
	1,706 23
Add balance due Internal Improvement Fund,	
1st day Nov. 1843,	27,049 94
	<hr/>
	\$287,56 17

Dr.

Charles L. Hinton, Public Treasurer in account

1842.

Nov 1

To balance due as Public Treasurer, on the 1st day
of November 1842, \$29,002 66

" cash received of Joshua Roberts, Treasurer of Bun-
combe Turnpike Company, being dividends on
Stock held in said Company by the State, 570 86

" cash received of Kimbrough Jones, being for ar-
ticles purchased at the sale of 1842, 2 75

Dec

" cash received of William Selden, Treasurer of the
United States, being surplus Revenue arising from
the sales of the Public Lands, 23,147 14

\$52,723 41

1843

Jan. 21

To balance due to Public Fund, 21st day January
1843, \$42,986 11

RECAPITULATION OF RECEIPTS.

Balance on hand 1st November 1842, \$29,002 66

Buncombe Turnpike Company, 570 86

Kimbrough Jones, 2 75

Treasurer of United States, (surplus Revenue,) 23,147 14

52,723 41

with the State of North Carolina,

Cr.

1842.	By Disbursements during this month, \$7,986 58	
Nov	" " " " 1,750 72	9 737 30
Dec	Balance due this Fund,	42,986 11
		<hr/> \$52,723 41

1843		
Jan 21	By balance transferred to Jno. H. Wheeler, Treasurer elect, 21st Jan. 1843,	42,986 11

RECAPITULATION OF DISBURSEMENTS.

Judiciary,	8,573 47
Public Printing,	411 00
Senatorial Elections,	4 16
Pensioners,	182 50
State Capitol,	16 55
General Assembly,	262 50
Government House	19 50
Treasury Notes burnt,	153 70
Contingencies,	113 92
	<hr/> 9,737 30
Balance,	42,986 11
	<hr/> 52,723 41

DISBURSEMENTS.

1842.

Nov.

JUDICIARY.

To Cash paid Hon. Frederick Nash,		
9 certificates, half years salary,	\$975 00	
" cash paid Hon. Thomas Settle, 10		
certificates, half years salary,	975 00	
" cash paid Hon. W. H. Battle, 11		
certificates, half years salary,	975 00	
" cash paid Hon. Jno. M. Dick, 12		
certificates, half years salary,	975 00	
" cash paid Hon. Jno. L. Bailey, 10		
certificates, half years salary,	975 00	
" cash paid Hon. M. E. Manly, 10		
certificates, half years salary,	975 00	
" cash paid Hon. R. M. Pearson, 9		
certificates, half years salary,	975 00	
" cash paid John F. Poindexter, So-		
licitor, 11 certificates,	220 00	
" cash paid Robert Strange, Solicitor,		
11 certificates,	220 00	
" cash paid David Outlaw, do		
8 certificates,	160 00	
" cash paid John G. Bynum, do		
7 certificates,	140 00	
" cash paid James W. Bryan, do		
4 certificates,	80 00	
" cash paid Charles Shepard, do Pro Tem		
2 certificates,	40 00	
" cash paid W. H. Washington, Solicitor		
1 certificate,	20 00	
" cash paid A. G. Hubbard do Pro Tem		
1 certificate,	20 00	
" cash paid A. C. Blount, do do do		
1 certificate,	20 00	
" cash paid Turner & Hughes, printing,		
publishing and distributing Supreme		
Court reports,	678 47	
" cash paid Turner & Hughes, for num-		
ber of copies of Cases argued and de-		
termined in the Supreme Court,	150 00	
		8,573 47

1842.

Dec.

PUBLIC PRINTING.

Cash paid Weston R. Gales, his Bill for		
printing done for the State,	169 25	
" " Thomas J. Lemay, his bill for		
printing,	31 00	
" " Weston R. Gales, for printing		
Comptroller's Reports for 1841 &		
1842,	210 75	
		\$411 00

1842

PENSIONERS.

Nov.	Cash paid Ann Patterson, her Pension as allowed by the county Court of Iredell,	32 50
Dec.	" " Martha Thompson, her Pension Claim as allowed by the Legislature for the years 1841 and 1842,	100 00
	" " Lunsford Richardson, being Pension allowed Jacob Peacock, by the Legislature of 1842,	50 00
		<hr/> \$182 50

SENATORIAL ELECTIONS.

Dec.	Cash paid Nathan Bagley, Sheriff of Perquimmons county, for Comparing Senatorial Polls,	4 16
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STATE CAPITOL.

Nov.	Cash paid William Stronach, for work done to Fire places in State Capitol,	16 55
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GOVERNOR'S HOUSE.

Dec.	Cash paid J. E Lumsden, for work and materials, in repairing Governor's House, &c.	7 30
	" " Budd Woodard, for materials furnished and work done at the Government House,	12 20
		<hr/> 19 50

GENERAL ASSEMBLY.

Dec.	Cash paid James Page, Doorkeeper of the House of Commons, for 22 days services, and travelling 150 miles,	81 00
	" " W. F. Collins, for furnishing 132 loads of wood for the Legislature,	181 50
		<hr/> 262 50

CONTINGENCIES.

Nov.	Cash paid Andrew Kevan & Brothers, for packages and Freight for the use of the State,	19 12
Dec.	" " John H. DeCarteret, for Binding Books for the Executive Department,	41 30
	" " Green Hill for carrying a writ of Election to the twelfth Congressional District, to supply the place of the Hon. Lewis Williams, dec'd.	44 00
	" " B. Dupuy his bill against the Treasury Department for Steel Pens,	5 50
	" " William Chavus for Repairing Pump, on Union Square.	4 00
		<hr/> \$113 92

TREASURY NOTES BURNT.

Dec.	Allowed by Committee of Finance for this amount of Treasury Notes redeemed,	\$153 70
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Dr.

John H. Wheeler, Public Treasurer, in ac-

1843		
Jan. 21	To cash received of Charles L. Hinton, late Public Treasurer, being amount passed over to John H. Wheeler, Treasurer elect, on 21st January, 1843,	\$42,986 11
" "	" cash received of Joseph M. Bogle, late Sheriff of Iredell county, being an additional return of Public Tax for 1841,	75 00
" "	" cash received of David W. Stone, Cashier, being dividend of 3 per cent. on 10 shares of stock held in the Bank of Cape Fear, by the State, unappropriated,	30 00
June	" cash received of Gov. Morehead, being the proceeds of a check signed by Edw. Stubbs, agent of State Department at Washington, being the amount paid by North Carolina on the Census documents, (or State papers,)	136 82
" "	" cash received of the Treasurer of the United States, being proceeds of the sales of public lands to which North Carolina is entitled, including premium,	2,835 74
July	" cash received of David W. Stone, Cashier, being a dividend of 3 per cent. declared on ten shares of stock held in the Bank of Cape Fear by the State unappropriated,	30 00
" "	" cash received of Green Hill, Superintendent of Public Buildings, being amount received on powder sold which belonged to the State,	4 00
Aug.	" cash received of W. W. Clark, Cashier of the Merchants' Bank of Newbern, being a tax of 25 cents on each share of capital stock in said Bank,	562 50
Aug.	" cash received from sundry Sheriffs, being amount of Public Tax paid into the Treasury during the month of August, including additional returns,	7,239 17
Sept.	" cash received of sundry Sheriffs, being amount of public tax paid into the Treasury, during the month of September,	70,429 77
" "	" cash received of Sheriffs, being amount of public tax accounted for on unlisted property, made as an additional return of public tax,	80 11
" "	" cash received of Charles Dewey, Cashier, being a tax of 25 cents on each individual share of stock held in said Bank,	2,243 25
Oct.	" cash received of David W. Stone, Cashier,	

count with the State of North Carolina.

CR.

1843		
Jan. 21	By transfer made by resolution to the Literary Fund, being the amount received from the General Government, as the distributive share of North Carolina, arising from the sales of public lands,	23,147 14
Nov. 1	By Disbursements from 21st day of January, 1843, to the 1st day of Nov. 1843,	120,276 72

MONTHLY EXPENDITURES.

January	\$46,979 87
February	20,704 35
March	2,416 71
April	4,088 75
May	6,444 19
June	5,086 00
July	21,508 36
August	5,799 77
September	3,513 08
October	3,735 64

120,276 72

Add this amount transferred, 23,147 14

\$143,423 86

1843

CR.

Nov. 1	By balance due Public Treasurer, on the 1st day November, 1843,	\$14,343 37
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RECAPITULATION OF DISBURSEMENTS.

Surplus revenue transferred by resolution,	\$23,147 14
General Assembly,	42,631 48
Judiciary,	18,908 93
Executive Department,	2,300 00
Treasury do	2,013 74
State do	800 00
Comptroller's do	1,000 00
Adjutant General,	200 00
Superintendent of Public Buildings,	260 00
Public Library,	419 90
Public Printing,	2,961 62
Pensioners,	622 50
Interest on Raleigh and Gaston Rail Road Bonds,	42,884 00
Post Office,	428 47
Council of State,	127 40
Governor's House,	63 85
Weights and Measures,	185 36
Stationary Account,	167 54
State Papers, (Census,)	136 14
Sheriffs for settling Public Taxes,	1,211 71
do comparing Congressional Polls,	730 47

Dr.

John H. Wheeler, Public Treasurer, in ac-

1843

being a tax of $\frac{1}{4}$ per cent. on 9556 shares of stock held by individuals in the Bank of Cape Fear,	2,389 00
" cash received of Leonard Ziglar, Sheriff of Stokes, an additional return of public tax as collected by him on unlisted property,	17 89
" cash received of Wiley Jones, late Sheriff of Buncombe, being an additional return of public tax for Buncombe county on unlisted property,	21 13
	<hr/>
	\$129,080 49
" Balance due Public Treasurer, Nov. 1, 1843,	14,343 37
	<hr/>
	\$143,423 86

RECAPITULATION OF RECEIPTS.

Charles L. Hinton, late Public Treasurer,	42,986 11
Joseph M. Bogle, Sheriff of Iredell,	75 00
Governor Morehead, amount refunded,	136 82
Treasurer of United States, (surplus revenue,)	2,835 74
Superintendent of Public Buildings,	4 00
Bank Tax, Merchants' Bank of Newbern,	562 50
Bank Dividends, Bank Cape Fear,	60 00
Public Tax received from Sheriffs,	77,749 05
" " Additional Returns,	39 02
Bank Tax, Bank of the State,	2,243 25
Bank Tax, Bank of Cape Fear,	2,389 00
	<hr/>
	\$129,080 49
Add balance due Pub. Treas'r 1st Nov. 1843,	14,343 37
	<hr/>
	\$143,423 86

count with the State of North Carolina.

Cr.

Contingencies,
North Carolina,

2,211 73

11 88

Amount disbursed

\$143,423 86

1843 DISBUSEMENTS.

Jan. GENERAL ASSEMBLY.

Cash paid Members of the General Assembly, &c.:

Louis D. Wilson Speaker Senate,	\$289 40
Samuel L. Arrington, Member Senate,	210 00
William Albright do	209 00
Thomas Allison, do	239 20
Joseph Allison do	216 00
John Boykin do	224 00
Bedford Brown, do	196 20
George D. Boyd, do	224 00
Alney Burgin, do	255 00
Jesse Cooper do	224 00
Joseph Cathey, do	223 00
William P Dobson do	237 00
Alfred Dockery do	224 50
Caleb Etheridge do	247 50
Weldon N Edwards do	200 40
Henry B Elliott do	221 00
Thomas Ennett do	156 00
John Exum, do	210 00
Elijah Hester do	209 00
Wilson B. Hodges, do	214 00
James W. Howard, do	229 00
Andrew Joyner do	225 00
Edmond W. Jones do	238 00
Jonathan H Jacocks, do	259 20
William S. Larkins, do	232 00
Godwin C. Moore do	175 00
James S Mitchell do	231 50
Absalom Myers do	202 00
James T Morehead do	223 00
William J. T Miller do	185 00
Robert Melvin do	223 40
Alfred Moyer do	208 00
Walter F Pharr do	238 00
Thomas J Pasteur do	208 00
David Reid do	219 00
J N S Rodgers do	228 00
Samuel Ribelin do	235 12
Arch'd Ray, do	242 00
James B. Shepard, do	207 00
Austin Swinson do	222 00
James Stafford do	230 00
Edwin G Speight do	212 00
Whitmel Stallings do	240 00
H. G. Spruill do	252 40
James Tomlinson, do	209 60
John W. Thomas do	197 00
William P Williams, do	210 40
John W Williams do	218 60
John Walker do	239 40
John M. Worth, do	208 25

Thos. G. Stone, Principal Clerk,	492 40
William Stringer, Assistant do	414 00
John Ziegenfuss, Principal Doorkeeper	210 00
Green Hill, Asssistant do	210 00
Calvin Graves, Speaker House of Commons,	289 60
Thomas S Ashe, Member House of Commons,	223 00
S P Allen do	232 00
W W Avery do	249 00
George Bowers do	242 00
G W Bannerman do	180 90
A Bryan do	232 00
John Burgin do	246 00
D M Barringer do	235 00
C Brummell do	228 00
Joshua Barnes do	211 00
Asa Biggs, do	220 40
Thomas Bragg do	231 00
A W Brandon do	231 00
A Brower do	214 35
J S Bracken do	220 00
John Baxter, do	247 50
Elias Barnes do	217 00
John J Bryant do	241 00
Samuel Byrd, do	263 25
C H Brogden do	219 50
T R Caldwell do	246 00
C J Cochran, do	227 00
J J Conrad do	232 20
G W Candler do	233 00
R P Cardwell do	228 00
Jos P Caldwell do	197 20
Windal Davis do	189 00
O S Dewey, do	236 90
J G Dickson do	222 00
William Doak do	225 00
Isaac Dockery do	233 60
J C D Ehringhaus do	255 00
Caleb Erwin, do	239 20
Oliver D Fitts do	208 50
John L Foreman, do	206 00
Michael Francis do	258 50
E C Gavin do	160 00
Sterling H Gee do	219 00
John S Guthrie do	209 00
Joseph Halsey do	251 20
W D Harrington do	218 25
Timothy Haskins do	235 00
Theo. C Houser do	235 40
John H Hawkins do	216 50
Joseph Herring do	223 40
Kemp P Hill do	213 60
John A Holloway do	210 80
John J Jackson do	213 90

Thomas Jefferson	do	256 70
Cad Jones	do	214 20
John B Jones	do	240 50
Isaac Joyner	do	199 20
John B Kelley	do	201 00
John Kirk	do	239 20
Calvin Koonce	do	227 00
C G Lamb	do	253 80
Thomas Lassater	do	213 60
Julian E Leach	do	225 00
John F Lee	do	244 50
Francis Locke	do	232 40
John B Lord	do	231 00
David McIntire	do	231 60
Joel McLane	do	221 00
J H McLochlen	do	239 20
Ralph E McNair	do	212 00
D K McRae	do	219 50
Thomas Marshall	do	238 10
Alex Martin	do	223 20
G C Mendenhall	do	227 00
William E Mills	do	244 00
D B Massey	do	190 00
W A Mitchell	do	231 40
John Monroe,	do	219 50
J McCollum	do	230 60
B F Moore	do	181 60
S J Neill	do	253 60
Henry K Nash	do	214 20
A F Nelson	do	228 40
Jesse Nixon	do	236 90
J C Norcom	do	246 40
Jno B Odom	do	211 00
Young Patterson	do	213 20
Benj A Pope	do	223 00
J R Rayner,	do	248 70
Neill Regan	do	201 80
L Richardson	do	212 40
J W Ross,	do	240 00
W F Russell	do	215 00
H Satterfield	do	216 00
Peter Scales	do	228 40
Andrew Shanklin	do	254 00
Starkie Sharp	do	247 00
Jacob Shultz	do	223 20
John Stockard	do	217 80
NH Street	do	233 80
R J Steel	do	237 20
J M Stone	do	212 60
Larkin Stowe	do	242 50
Wm R Skinner,	do	209 40
D Taliaferro	do	239 00

Ford Taylor,	do	211 60
John W Taylor	do	211 00
Jno E Thomas	do	213 00
Levi Walker	do	218 60
H Walser	do	211 80
Alex Watson	do	218 50
James Whitaker	do	288 00
James H White	do	245 20
Gaston H Wilder	do	208 00
John Willey	do	238 00
Francis Williams	do	200 25
J W Williams	do	235 80
N L Williamson	do	229 00
N Wilson	do	243 20
Thomas Wilson	do	255 60
Cader Whitley	do	200 00
John A Young	do	239 20
John Yount	do	242 00
L H Marsteller, principal clk	H. C.	513 40
Perrin Busbee, assistant do		426 00
Robt Cochran, engrossing do		288 00
J Thomas do do		285 20
J Rumley do do		309 60
James Page, doorkeeper		228 00
Thomas Anderson do		214 20
Extra Compensation to doorkeepers,		100 00
Joseph King, Bearer of Writ of Election, per Resolution,		38 00
John Harrison do do		26 00
Robt. Cochran for 10 Maps furnished Legislature		20 00
Green Hill, for sundry articles furnished Legislature,		50 31
Thomas G Stone, for Committee Book		10 00
L H Marsteller, Hatsells Precedents		25 00
W F Collins for Firewood for Legislature		105 87
Sam Jones for cutting Wood for Legislature		62 70
Nath'l Rand, Member House of Commons,		178 60
William Hill, copying Acts and Resolutions for the Legislature,		329 43
		<hr/>
		\$42,631 48

JUDICIARY.

Jan.	Cash paid Hon. Thomas Ruffin, Chief Justice, his 4th quarter Salary, ending 31st December, 1842,		625 00
	" " Hon. Joseph J. Daniel, his 4th quarter salary,		625 00
	" " William Gaston, " 4th quarter salary		625 00
	" " Spier Whitaker, Attorney General, attendance on Supreme Court,		100 00
	" " William Plummer, Attorney General, Pro Tem.		20 00
	" " Asa Biggs, do. do.		40 00
Feb.	" " Robert Strange, Solicitor, 1 certificate,		20 00
	" " John G. Bynum, 3 do.		60 00
March	" " John L Henderson, Clerk to Supreme Court,		689 10
	" " John T. C. Wiatt, Marshal do. do		152 00
	" " Robert Strange, Solicitor, 4 certificates,		80 00
	" " Hugh McQueen, Attorney General 3 ditto,		60 00
April	" " Hon Thomas Ruffin, Chief Justice, his 1st quarter salary,		625 00
	" " Hon Joseph J. Daniel, do. do.		625 00
	" " Hon William Gaston, Judge of Supreme Court, his 1st quarter salary,		625 00
	" " David Outlaw, Solicitor, 1 certificate,		20 00
	" " Spier Whitaker Attorney General 6 do.		120 00
	" " Henry S. Clark, Solicitor 5 do.		100 00
	" " H. C. Jones, do. 5 do.		100 00
May	" " Wm. H. Battle, Judge of Superior Court, his half year salary, 10 certificates,		975 00
	" " John M. Dick, Judge 9 do.		975 00
	" " R. M. Pearson do. 10 do.		975 00
	" " Thomas Settle, do. 12 do.		975 00
	" " Robert Strange, Solicitor, 8 do.		160 00
	" " David Outlaw, " 8 do.		160 00
	" " H. C. Jones, " 4 do.		80 00
	" " H. S. Clark, " 2 do.		40 00
	" " R. R. Heath, Solicitor Pro. Tem. 1 do.		20 00
	" " A. C. Blount, " 1 do.		20 00
	" " John F. Poindexter Solicitor, 1 do.		20 00
June	" " M. E. Manly, Judge of Superior Court, 10 do.		975 00
	" " John L. Bailey, " 10 do.		975 00
	" " F. Nash, " 10 do.		975 00
	" " W. H. Battle, Extra Court Wake county, 9 do		90 00
	" " John G. Bynum, Solicitor, 2 do.		180 00
	" " H. S. Clark, " 10 do.		40 00
	" " J. F. Poindexter, " 10 do.		200 00
	" " James Iradell, Reporter to Supreme Court,		150 00
	" " Turner and Hughes for publishing and delivering 101 copies of Supreme Court Reports for December Term, 1842, including 8 Extra copies for New Counties and 3 do. for University of North Carolina,		678 33
July	" " Hon Joseph J. Daniel, Judge Supreme Court, 2d quarter salary,		625 00

	" " William Gaston, " " "	625 00
	" " Spier Whitaker, Attorney General, attendance Supreme Court,	100 00
	" " do. do. do. 4 certificates,	80 00
	" " F. Nash, Judge Special Court Orange County,	90 00
August	Cash paid John G. Bynum, Solicitor 1 certificate,	20 00
Sept.	" " Hon Thomas Ruffin, Chief Justice Supreme Court, 2d quarter salary,	625 00
	" " E. B. Freeman, balance, of Jon. L. Hender- son's salary as Clerk of Sup'e Court,	150 00
	" " E. B. Freeman, Clerk of Supreme Court, for Record Books,	60 00
	" " E. B. Freeman, Clerk of Supreme Court, for recording 1275 pages at 30 cents,	382 50
	" " John T. C. Wiatt, Marshal, for 96 days at- tendance on Supreme Court June Term, 1843,	192 00
	" " Robert Strange, Solicitor, 1 certificate,	20 00
Oct	" " Honorable Thomas Ruffin, his 3d quarter salary	625 00
	" " " William Gaston, do. do.	625 00
	" " " Joseph J. Daniel, do. do.	625 00
	" " " Thomas Settle, Judge of Superior Court for holding an Extra Court for Randolph County,	90 00
		<hr/>
		\$18,908 92

DISBURSEMENTS.

EXECUTIVE DEPARTMENT.

1843			
Jan.	Cash paid Gov Morehead, his 4th quarter salary ending Dec 31st 1842,	500 00	
	" " Pryor Reynolds, Private Secretary to Gov. Morehead, his 4th quarter salary,	75 00	
Apl.	" " Gov Morehead his 1st quarter salary,	500 00	
	" " Pryor Reynolds, Private Secretary, his 1st quarter salary	75 00	
July	" " Gov Morehead his 2nd quarter salary	500 00	
	" " Pryor Reynolds, Private Secretary, his 2nd quarter salary	75 00	
Oct.	" " Gov Morehead, his 3rd quarter salary,	500 00	
	" " Pryor Reynolds, Private Secretary, his 3rd quarter salary,	75 00	
			2,500 00

TREASURY DEPARTMENT.

1843			
Jan.	Cash paid C L Hinton, Public Treasurer, being balance of salary due him and his Clerk from Sept 30, 1842 to 19th Dec., 1842,	438 40	
	For this sum allowed C L Hinton, under Resolution of the General Assembly, being amount of his and Clerk's salary, from 19th Dec. 1842, to 21st January, 1843,	180 82	
Apl.	" John H Wheeler and Clerk, being amount of salary from 20th January, 1843, to 1st April 1843 end of the 1st quarter,	394 52	
July.	" " John H Wheeler and his Clerk, their 2nd quarter salaries,	500 00	
Oct.	" " John H Wheeler, and his Clerk, their 3rd quarter salaries,	500 00	
			2,013 74

STATE DEPARTMENT

1843			
Jan.	Cash paid William Hill Secretary of State, his 4th quarter salary,	200 00	
Apl.	" " William Hill his 1st quarter salary	200 00	
July	" " William Hill his 2nd quarter salary	200 00	
Oct.	" " William Hill his 3rd quarter salary	200 00	
			800 00

COMPTROLLER'S DEPARTMENT.

1843			
Jan.	Cash paid Wm. F Collins, his 4th quarter salary	250 00	
Apl.	" " Wm F Collins, his 1st quarter salary	250 00	
July	" " Wm F Collins his 2nd quarter salary	250 00	
Oct.	" " Wm F Collins his 3rd quarter salary	250 00	
			1,000 00

1843			ADJUTANT GENERAL'S OFFICE.	
Jan.	Cash paid Robert W Haywood, Adjutant General, his half year's salary, ending 31st December 1842,	100	00	
July	" " Robert W Haywood, Adjutant General, his half year's salary, ending 31st June 1843,	100	00	
				<u>\$200 00</u>

1843			SUPERINTENDENT PUBLIC BUILDINGS.	
Jan'y.	Cash paid Green Hill, his 4th quarter salary,	65	00	
April.	" " " 1st "	65	00	
July	" " " 2d "	65	00	
Oct	" " " 3d "	65	00	
				<u>\$260 00</u>

1843			PUBLIC LIBRARY.	
Jan'y.	Cash paid Devereux Bridges, under Resolution of the General Assembly, for his services in arranging the Books of the Library and as Librarian, during the Session of the Legislature,	125	00	
	" paid William Hill, Secretary, his 4th quarter salary as Librarian,	18	75	
March	" paid Governor Morehead, for forwarding Books, &c. for the use of the Library,	20	23	
April.	" paid William Thompson, his bill for Chairs and Tables for the Public Library,	59	25	
Sept	" James F Taylor, State Librarian, his salary from 4th February 1843, to 1st July, 1843, at the rate of \$300 per year,	121	67	
Oct.	" James F Taylor, his 3d quarter salary as Librarian,	75	00	
				<u>\$419 90</u>

1843			PUBLIC PRINTING.	
Jan.	Cash paid Weston R. Gales, publishing Governor's Proclamantion,	12	50	
Feb.	" " Weston R Gales, for his Bill of printing done by Contract for the Legislature of 1842 & '3,	744	20	
	" " M. C. Pendleton, for advertising Mark Kiser, a fugitive from Justice	8	25	
	" " Thomas J Lemay, printing Blank Sheriff's Receipts for Treasury Office,	3	00	
	" " Thomas J Lemay, printing done for the use of the Secretary of State's Office	14	50	
	" " Thomas J Lemay, Public Printing, under Resolution of the General Assembly,	113	83	

	" Thomas Loring, for publishing Proclamation concerning Mark Kiser in the Standard,	9 75
March,	" " Thomas J Lemay his bills for Printing, done by order of the Public Officers for public purposes,	28 70
	" " Thomas Loring, his bill for printing done for the use of the State,	22 80
May	" " Thomas J Lemay, printing the Acts and Resolutions of the General Assembly, passed at the Session of 1842 & '43,	1005 44
	" " Thomas J Lemay, for printing the Journals of the Legislature for 1842 & '43,	799 50
June	" " Thomas Loring for printing Indexes to Colonial Documents,	86 10
August	" " William W Holden, Printing done for the Treasury department,	14 00
Sept.	" " Weston R Gales, printing done for Executive, Treasury, Secretary of State and Adjutant General Offices,	99 00
		<hr/> \$2,961 62

1843

PENSIONERS.

Jan.	Cash paid Jno. Rhem. his Pension Claim,	100 00
	" " Martha Speers, her Pension for 1841 & '42,	50 00
	" " Silas Horn, his Pension certificate, allowed by Act of Assembly	50 00
	" " Thomas Ewell his Pension Claim,	50 00
	" " Margaret Bexley, her pension for 1842,	50 00
	" " Isabella Campbell, " "	40 00
Feb'y	" " Jesse Hal-ey, his Pension claim for the years 1839, '40, '41 & '42,	200 00
March	" " Alex. Taylor, his Pension by Act of Assembly,	50 00
Sept.	" " Ann Patterson, her pension as allowed by the County Court of Iredell County,	32 50
		<hr/> \$622 50

INTEREST ON RALEIGH & GASTON RAIL ROAD BONDS.

Feb'y	Cash paid interest on sundry Bonds of the Raleigh & Gaston Rail Road Company, endorsed by the State,	18,509 00
June	" " paid interest on sundry Bonds of the Raleigh & Gaston Rail Road Co. endorsed by the State,	360 00
March	" " interest on Bonds of the Raleigh and Gaston Rail Road Co. endorsed by the State,	1,101 00
July	" paid interest on Bonds of the Raleigh & Gaston Rail Road Co. endorsed by the State,	17,859 00

August	"	paid interest on Bonds of the Raleigh and Gaston Rail Road Co. endorsed by the State,	5,025 00
Oct.	"	paid interest on Bonds of the Raleigh & Gaston Rail Road Co. endorsed by the State,	30 00
			<hr/> \$42,884 00

1843

POST OFFICE.

Feb.	Cash paid Tho. G. Scott, his postage account against					
	Executive Office,					40 72
	"	"	"	"	Comptroller's "	5 26
	"	"	"	"	Treasurer's "	6 53
	"	"	"	"	Adj. Gen's. "	28 58
June	"	"	"	"	Executive "	44 81
	"	"	"	"	Treasurer's "	7 86
	"	"	"	"	Comptroller's "	6 87
	Amount of draft on deposit, kept as an advance					
	payment, for postage accounts,					75 00
April.	"	"	Executive Department,			58 36
	"	"	Treasury "			11 27
	"	"	Comptroller's "			7 22
	"	"	Adj. Gen's. "			3 13
July.	"	"	Executive Office, "			20 04
Sept.	"	"	Comptroller's "			5 45
	"	"	Treasurer's "			10 97
	"	"	Adj. Gen's. "			36 06
Oct.	"	"	Comptroller's "			2 78
	"	"	Treasury "			4 25
	"	"	Executive Department,			53 31
						<hr/>
						\$428 47

1843

COUNCIL OF STATE.

Feb.	Cash paid members of State Council, convened by order of Gov. Morehead, to advise in the appointment of Members of the Literary and Internal Improvement Boards,	127 40
		<hr/> \$127 40

GOVERNOR'S HOUSE.

1843	Cash paid William Chavus, for sundry repairs done to the well at the Governor's House,	15 00
June.	" " Joshua E. Lumsden for repairs done about the Governor's House,	2 85
Sept.	" " Willis Bird, for making new Pump Stock for well on Governor's Lot, and cleaing out the well,	46 00
		<hr/> \$63 85

WEIGHTS AND MEASURES.

1843			
June.	Cash paid Pryor Reynolds, Private Secretary to Gov. Morehead, to pay expenses of and concerning Weights and Measures,	12 04	
	" " Thomas Loring printing or inserting in the Standard an Advertisement concerning Standard Weights and Measures,	6 00	
July.	Cash paid Pryor Reynolds, Private Secretary, to pay for Standard capacity Measures, and 7 Boxes, from Wilmington,	17 32	
	" " Pryor Reynolds to pay for Standard Yard Measures, for the State,	150 00	
			<hr/>
			\$185 36

STATIONARY ACCOUNT.

1843			
A u.	Cash paid William Hill, on the requisition of Hogan & Thompson, to pay for Stationary, purchased for State purposes,	\$167 54	

STATE PAPERS.

1843			
June	Cash paid Pryor Reynolds, to pay expenses of 108 Boxes of State Papers concerning the Census forwarded to Executive Department,	136 14	

SHERIFFS FOR SETTLING TAXES.

1843			
Aug.	Cash paid Sheriffs as follows, for making settlement of Public Taxes, viz:		
	Sheriff of Warren County,	8 50	
	" " Cabarrus County,	16 80	
	" " Cherokee do.	41 70	
	" " Macon do.	37 00	
	" " Haywood do.	33 00	
	" " Granville do	7 50	
	" " Chatham do	6 30	
	" " Richmond do	13 00	
	" " Davidson do	14 00	
	" " Chowan do	18 00	
	" " Caswell do	9 00	
	" " Greene do	10 50	
	" " Halifax do	11 00	
	" " Randolph do	11 50	
	" " Ashe do	24 00	
	" " Wilkes do	16 00	
	" " Moore do	9 30	
	" " Davie do	16 50	
	" " Stanly do	16 70	
	" " Montgomery do	14 70	
	" " Cleveland do	24 00	
	" " Rutherford do	25 00	
	" " Catawba do	20 08	
	" " Lincoln do	20 58	
	" " Duplin do	12 50	

"	"	Northampton	do	13 00
"	"	Hertford	do	15 50
"	"	Rockingham	do	13 00
"	"	Gates	do	19 00
"	"	Hyde	do	24 70
"	"	Iredell	do	18 80
"	"	Anson	do	16 80
"	"	Stokes	do	15 50
"	"	Yancy	do	27 50
"	"	Caldwell	do	23 00
"	"	Buncombe	do	29 00
"	"	Henderson	do	29 00
"	"	McDowell	do	25 50
"	"	Burke	do	23 00
"	"	Lenoir	do	11 50
"	"	Edgecomb	do	8 90
"	"	Franklin	do	6 00
"	"	Onslow	do	16 30
"	"	Currituck	do	25 50
"	"	Camden	do	23 00
"	"	New Hanover	do	16 50
"	"	Wayne	do	8 00
"	"	Sampson	do	9 50
"	"	Orange	do	7 00
"	"	Mecklenburg	do	19 00
"	"	Rowan	do	15 00
"	"	Person	do	8 50
"	"	Bladen	do	13 60
"	"	Cumberland	do	9 40
"	"	Robeson	do	12 20
"	"	Bertie	do	14 00
"	"	Beaufort	do	15 00
"	"	Tyrrell	do	23 00
"	"	Washington	do	18 20
"	"	Pitt	do	12 00
"	"	Johnston	do	5 60
"	"	Nash	do	7 00
"	"	Pasquotank	do	24 70
"	"	Perquimmons	do	21 75
"	"	Craven	do	15 00
"	"	Carteret	do	19 80
"	"	Wake	do	3 00
"	"	Martin	do	13 00
"	"	Surry	do	18 00
"	"	Guilford	do	12 00
"	"	Columbus	do	15 00
"	"	Jones	do	13 50
"	"	Brunswick	do	20 80

 \$1,211 71

1843

CONGRESSIONAL ELECTIONS.

August Cash paid the following Sheriffs for holding and
comparing polls for Members of Congress,
viz. as follows:

	Sheriff of	Warren	County	5 50
	"	Cabarrus	do	6 67
	"	Cherokee	do	22 38
	"	Macon	do	14 46
	"	Haywood	do	7 62
	"	Granville	do	4 50
	"	Chatham	do	10 20
Sept.	"	Richmond	do	8 33
	"	Davidson	do	10 00
	"	Chowan	do	7 50
	"	Caswell	do	19 41
	"	Greene	do	12 50
	"	Halifax	do	11 66
	"	Northampton	do	12 50
	"	Hertford	do	7 16
	"	Randolph	do	11 66
	"	Ashe	do	13 93
	"	Witkes	do	8 93
	"	Moore	do	11 55
	"	Davie	do	9 16
	"	Stanly	do	4 53
	"	Montgomery	do	3 33
	"	Cleveland	do	13 16
	"	Rutherford	do	9 16
	"	Lincoln	do	9 25
	"	Duplin	do	6 66
	"	Rockingham	do	14 16
	"	Gates	do	3 00
	"	Hyde	do	17 53
	"	Iredell	do	5 50
	"	Anson	do	9 86
	"	Stokes	do	9 16
	"	Yancy	do	11 83
	"	Caldwell	do	13 66
	"	Buncombe	do	2 50
	"	Henderson	do	6 16
	"	Burke	do	12 50
	"	Lenoir	do	12 50
	"	Columbus	do	13 84
	"	Edgecomb	do	11 66
	"	Franklin	do	7 50
	"	Onslow	do	10 00
	"	Currituck	do	14 08
	"	Camden	do	11 58
	"	New Hanover	do	8 00

"	Wayne	do	10 83
"	Sampson	do	8 33
"	Orange	do	10 83
"	Mecklenburg	do	6 33
"	Rowan	do	6 66
"	Person	do	9 66
"	Bladen	do	13 40
"	Cumberland	do	7 63
"	Robeson	do	16 16
"	Bertie	do	10 75
"	Beaufort	do	2 50
"	Tyrrell	do	17 50
"	Washington	do	12 50
"	Pitt	do	6 16
"	Johnston	do	6 66
"	Nash	do	15 83
"	Posquotank	do	10 08
"	Perquimmons	do	6 83
"	Craven	do	9 10
"	Carteret	do	16 50
"	Wake	do	7 50
"	Martin	do	13 50
"	Surry	do	5 00
"	Guilford	do	15 66
"	Jones	do	14 33
"	Brunswick	do	12 51

\$730 47

CONTINGENCIES.

1843
Jan.

Cash paid A. S. Mooring, Sheriff of Martin County, as allowed by Resolution of the General Assembly, passed 1842-'3,	26 98
" paid Joseph M. Bogle, Sheriff of Iredell, being remittance of Penalty by Resolution of the General Assembly,	200 00
" paid Thomas L. Clingman, Counsel in suits, in relation to Indian Reservations,	50 00
" paid Charles Blanton, Sheriff of Cleveland, as by Resolution of the General Assembly,	8 07
" paid J. N. Crosby, for Bookcase, as per Resolution of the Legislature,	45 00
" paid William Holloman for Fire Fenders for the State Capitol,	33 60
" paid Charles L. Hinton, being amount paid by him to S. Birdsall, for travelling expenses to Macon County to adjust an unsettled account with J. W. Guinn, former Agent of the State to collect Cherokee Bonds, as per Resolution of Legisla-	

	ture, ratified 3d January, 1843,	80 00
	" paid George Simpson for Locks for State Capitol, ordered to be paid by Resolution of the General Assembly,	3 00
	" paid Z. Slade, for his services in cleaning Public Arms, allowed by Resolution of the Legislature,	49 50
	" paid Richard W. Long, Sheriff Rowan, allowed by Resolution for insolvent Taxables,	19 80
Feb	" paid Charles Frazier for labelling 15 doors in State Capitol, allowed by Resolution of General Assembly,	30 00
	" paid William Hill, Secretary of State, for two years services in superintending Public Printing,	100 00
	" paid Bryan & Maitland, their Bill as allowed by Resolution of the General Assembly,	107 00
	" paid Morris, Tasser & Morris, as per Resolution of the General Assembly,	68 25
M'ch,	" paid Turner & Hughes, their Bill of Stationary furnished the Public offices and Legislature,	93 59
	" paid Jno H De Carteret for binding Legislative documents for the Public offices,	9 75
	" Gov. Jno. M. Morehead, under Resolution of the General Assembly,	61 54
	" paid Pryor Reynolds, to pay Servant hire, for 1840 & 1841,	48 00
April	" paid James Houze, for the apprehension and confinement of W. H. Falkner, under Governor's Proclamation,	200 00
	" paid Richard Shuford, remitted penalty collected by the Sheriff of Bertie County, ordered to be refunded by Resolution of the General Assembly,	50 00
May	" paid Alsey Tucker for One Hundred and forty five loads of wood furnished the Public offices, in the Fall and Winter of 1842 & '43.	239 25
June	" paid N. J. Myatt, for distributing Laws and Journals of the last Legislature,	65 00
	" paid William Ashley for large table for Comptroller's office,	5 00
July	" paid Thomas J. Anderson for distributing the Laws and Journals of the last Legislature,	35 00
	" paid James Page for distributing Laws and Journals of the last Legislature,	210 00
	" paid Ruffin Tucker and T. Selby for Coffee Bags used in distributing Laws and Journals,	7 00
Aug	" paid Pryor Reynolds, Governor's Private Secretary, to remit to the Highland Messenger for Governor's Proclamation,	8 75
	" paid Seth Jenks for distributing the Laws and Journals of the last Legislature,	80 00
	" paid C Frazier, for painting Book cases in	

	Comptroller's office,	16 00
	" paid William F Collins to pay for three large Book cases in Comptroller's office,	110 00
	" paid Pryor Reynolds to pay for Seals for Counties,	136 35
Oct	" paid William Hill, Secretary, for copying Act of Assembly of the State of Virginia, at the request of D. Outlaw, Solicitor, to be used in State Prosecutions, containing 53 copy sheets, at 20 cents per sheet. Also, for recording 9 Sheriff's Deeds for Lands sold for Taxes, and purchased in the name of the Governor, for the use of the State &c.	15 30
		<u>\$2,211 73</u>

1843

Sept

NORTH CAROLINA.

Cash paid Robt. B. Davis, Sheriff of Washington County, being State tax on land sold by said Davis as Sheriff; also for advertising the same,	11 88
WM. F. COLLINS, Comptroller.	

1870

The above information was obtained from the records of the Bureau of Investigation, Department of Justice, Washington, D.C., and is being furnished to you for your information.

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THE UNIVERSITY OF CHICAGO

A Statement of the nett amount of that branch of the Revenue which is receivable by Sheriffs, for the year 1842

Statement of the Revenue which is derived from duties imposed on Sales of Auction, and from the Banks of the State, for Tax on Stock at one-fourth per cent on each Share sold by Individuals for the Fiscal year, 1842 & 43.					
Names of Auctioneers.		Counties and Years.	Am't Due	Am't Paid	Am't Due from Auctioneers
			Dollrs. Cts.	Dollrs. Cts.	Dollrs. Cts.
Robert Grant,	Lincoln	1842 & 43	1 39	1 39	
Thomas L. Green,	Greene		35 80	35 80	
Joseph Fowler,	Do		32 80	32 80	
Ed. L. Barlow,	Do		28 99	28 99	
Amos Kimball,	Cumberland		16 41	16 41	
Samuel W. Wilkins,	Do		53 23	53 23	
Wm. M. Henderson,	Shelburne		2 91		
V. Winfree,	Granville		2 22	2 22	
Simon Chipper,	Passumpsunk		69 93		
James Jones,	Do		7 15		
Robert G. Rankin	New Haven,		63 67	63 67	
Thosot Burr	Do		17 17	17 17	
John P. Smith,	Phelps		18 47	18 47	
William Peck,	Wake,		22	22	
John P. Jones,	Carroll		4 74	4 74	
			512 44	422 40	
Revenue derived from Tax on Individual Bank Stock.					
Banks.		Individual Shares.	Am't Due	Am't Paid.	
Bank of the State of N. C.			2511 55	2513 25	
Do. Cape Fear.			2389 00	2389 00	
Do. Merch & B's Newbern.			565 50	562 50	
			\$5194 75	\$5194 75	
RECAPITULATION OF RECEIPTS.					
PUBLIC FUND					
Received from the following sources:					
Balance on hand 1st day of November, 1842,			\$59,002 66		
Bancombs Turnpike Company,			570 86		
Kilmoryoug Court,			2 75		
Treasurer of the United States, (Surplus Revenue),			24,982 88		
Joseph M. Eagle, Sheriff of Iredell,			128 82		
Geor. Merriam, amount refunded,			4 00		
Superintendent of Public Buildings,			56 00		
Bank Tax for Bank Newbern,			75 00		
Bank Dividends, Bank of Cape Fear,			60 00		
Public Tax received from Sheriffs,			77,888 97		
Bank Tax of the State of N. C.,			2,249 55		
Do. Cape Fear,			2,389 00		
				29,617 75	
Deduct disbursements since November, 1842,				153,619 76	
Balance due Pub. Treas. Nov. 1st, 1843,				14,443 37	
INTERNAL IMPROVEMENT FUND.					
Charlotte Bonds, sale of 1838,			2,962 31		
Principal on loans by Internal Improvement Board,			2,950 60		
Bank Dividends, Bank of Cape Fear,			67 00		
Charlotte Bonds (sale of 1843)			2,400 00		
Add balance 1st November, 1842,			20,429 66		
				28,803 57	
Deduct Disbursements since 1st Nov. 1842				1,754 63	
Balance due Fund for Int. Imp. 1st Nov. 1843,				\$27 049 94	
LITERARY FUND.					
Receipts.					
Balance on hand 1st day of November, 1842,			\$7,998 30		
Erection of Vacant Lands,			5,415 36		
Auction Tax,			455 61		
Principal on loans by Literary Board,			2,142 82		
Interest on loans by Literary Board,			18,094 14		
Interest on loans by the Internal Improvements Board,			697 76		
Vacant Lands, sale of by Legislature,			2,142 84		
Bank Dividends, Bank of the State,			31,387 75		
Charlotte Bonds (sale of 1843)			31,938 00		
Interest on Raleigh and Graham R. R. Bonds,			4,859 60		

Debitors of Spiritual Liquors,	2,306 76	
Deduct Disbursements since 1st Nov. 1842,		193,451 75
		130,407 78
Add balance due Fund for Internal Improvement,		\$63,043 99
		57,019,84
Deduct balance due Public Treasurer,		\$90,093 93
		14,483 87
Leaves this balance in hands of Pub. Treas. 1st Nov. 1843,		\$75,750 56

The foregoing Statement is founded on Returns on file in the Comptroller's Office, November 1st, 1843.

WM. F. COLLINS, Comptroller.

Comptroller's Office,
November 1st, 1843. }

REPORT

FROM THE

COMPTROLLER'S DEPARTMENT

OF

NORTH CAROLINA,

TO THE

LEGISLATURE OF THE STATE,

SHOWING

THE RECEIPTS AND DISBURSEMENTS

AT THE

TREASURY DEPARTMENT,

FOR THE

FISCAL YEAR, ENDING NOVEMBER 1, 1844.

RALEIGH:

THOS. J. LEMAY, PRINTER TO THE LEGISLATURE.

1844.

REPORT

COMPTROLLER'S OFFICE,

November 1, 1841.

To His Honorable, the General Assembly
of the State of North Carolina:

GENTLEMEN: An Act of the General Assembly, passed at the Session of 1836-37, "concerning the Comptroller," requires of that Officer that he shall, immediately after the first day of November, in every year, prepare the account of the Public Treasury for the year preceding the last day of November, stating the balance of money in the Treasury at the last settlement; the amount received from each source, and the amount expended; and a particular statement of the disbursements from the Treasury within the same period; and the money remaining in the Treasury; and he shall annex a statement of the Balance from each subject of Taxation in every County of the State.

In obedience to this provision I have the honor to submit the accompanying Report, exhibiting the transactions of the Treasury Department for the fiscal year ending Nov. 1st, 1841.

The law requires that the Governor shall have the Comptroller's Report, which are made for the years during which there is no session of the Legislature, printed in the newspapers in the State which edition has been compiled with; and I would respectfully recommend that provision be made for publishing the same in Pamphlet form for purposes of uniformity and of reference in the different Offices; otherwise, they will be lost to the State.

With very great respect,
Your Obedient servant,
WM. F. COLLIER

PALESTINE:

THIS A REMAY, PRINTER TO THE LEGISLATIVE

1841

COMPTROLLER'S OFFICE,
NOVEMBER 1, 1841.

*To the Honorable, the General Assembly
of the State of North Carolina :*

GENTLEMEN: An Act of the General Assembly, passed at the Session of 1836-37, "concerning the Comptroller," requires of that Officer that he shall, "immediately after the first day of November, in every year, prepare the account of the Public Treasurer with the State, as the same shall appear on the Books of his Office, for the year preceding the 1st day of November, stating the balance of money in the Treasury at the last settlement; the receipts into the Treasury within the year, particularizing the monies and accounts from which the same accrued and were received; the amount received from each respectively; and a particular statement of the disbursements from the Treasury within the same period, and the money remaining in the Treasury; and he shall annex a statement of the Revenue from each subject of Taxation in every County of the State."

In obedience to this requisition, I have the honor to submit the accompanying Report, exhibiting the transactions of the Treasury Department for the fiscal year ending Nov. 1st, 1844.

The law requires, that the Governor shall have the Comptroller's Reports, which are made for the years during which there is no session of the Legislature, printed in five Newspapers in the State, which requisition has been complied with; and I would respectfully recommend that provision be made for publishing the same in Pamphlet form, for purposes of uniformity and of reference in the different Offices; otherwise, they will be lost to the State.

With very great respect,
Your Obedient servant,
WM. F. COLLINS.

DR. *John H. Wheeler, Treasurer of Literary Fund,*

1843			
Nov. 1	To	Balance due President and Directors of the Literary Fund 1st day of November, 1843,	\$63,043 99
" "	"	Entries of vacant land during this month,	71 02
Dec. 1844	"	Cash received entries of vacant land during this month,	208 89
Jan'y	"	Entries of vacant land during this month	408 68
	"	received of Charles Dewey, Cash'r of the Bank of the State, being dividend of 3 per cent. on 5027 shares of stock held in said Bank of the State by the President and Directors of Literary Fund,	15,081 00
	"	received of David W. Stone, Cash'r of the Bank of Cape Fear, being dividend of 3 per cent. declared on 5322 shares of stock held in said bank, by President and Directors of Literary Fund,	15,966 00
	"	received of Governor Morehead, President Ex officio of the Literary Board, as principal on loans made by the said Board,	7,754 13
	"	received of Governor Morehead, President Ex Officio of the Literary Board, as interest on loans made by said Board,	1,950 86
	"	received of Governor Morehead, President Ex Officio of Literary Board, being fine collected of R. W. Long, Sheriff of Rowan, (amercement),	100 00
	"	received of Gov. Morehead, as interest on the Bonds of the Wilmington and Raleigh R'l Road Comp'y, Bonds purchased by the Literary Board,	10,530 00
	"	received of Governor Morehead, as interest on the Bonds of the Raleigh & Gaston Rail Road Company, endorsed by the State and purchased by the Literary Board,	4,959 00
Feb'y	"	received entries of vacant land this month,	597 33
March	"	received entries of vacant land, "	225 32
April	"	received entries of Vacant Land,	215 96
	"	received of Governor Morehead, President Ex officio of the Literary Board,	

in account with the President and Directors of Literary Fund, Cr.

1843			
Nov.	By Cash paid	Proprietors of North American Review, from 1st Jan'y, 1843, to 1st January, 1844,	5 00
"	"	William W. Holden, Editor of the Standard, for publishing statement shewing the nett annual income of the Literary Fund,	14 00
"	"	The Chairmen of Common Schools of counties, by order of the Literary Board, as follows (viz:)	
"	"	Ashe County	563 97
"	"	Chowan co	405 49
"	"	Brunswick, co	342 83
"	"	Cabarrus co	650 39
"	"	Wilkes co	856 71
"	"	Jones co	296 49
"	"	Cumberland co	1,018 10
"	"	Iredell co	1,101 50
"	"	Randolph co	954 55
"	"	Sampson co	805 17
"	"	Orange co	1,674 29
"	"	Beaufort co	810 30
"	"	Franklin co	686 60
"	"	Surry co	1,114 12
"	"	Bladen co	516 36
"	"	Robeson co	715 05
"	"	Anson co	1,005 80
"	"	Hertford co	477 96
"	"	Moore co	574 23
"	"	Gates co	558 88
"	"	Davie co	529 51
"	"	Chatham co	1,094 50
"	"	Washington co	296 85
"	"	Craven co	864 90
"	"	New Hanover co	834 10
"	"	Northampton co	827 00
"	"	Wayne co	736 36
"	"	Johnston co	714 55
"	"	Richmond co	580 27
"	"	Pasquettank co	572 95
"	"	Onslow co	498 72
"	"	Lenoir co	475 10
"	"	Carteret co	469 60
"	"	Currituck co	454 74
"	"	Montgomery co	394 10

Dr.

John H. Wheeler, Treasurer of the Literary Fund,

48 4			
April		as principal on loans made by said Board,	4,449 83
		To Cash received of Governor Morehead, President Ex officio of the Literary Board, as interest on loans made by said Board	1,132 89
	" "	Governor Morehead, President Ex officio of the Literary Board, being interest collected on loans made by the Internal Improvement Board, and appropriated to Literary Fund,	870 58
	" "	Rec'd of Gov. Morehead, Pres't Ex officio of the Literary Board, being the proceeds of the sale of shingles made by order of the Literary Board,	545 73
May	" "	received for entries of vacant land	199 94
	" "	received of David W. Stone, Cashier of the Bank of Cape Fear, being dividend of two per cent. declared on 5,322 shares of stock held in said Bank by President and Directors of the Literary Fund of N. C.	10,644 00
	" "	received of George McNeil, Agent for the Cape Fear Navigation Company, to be applied to the debt against the Cape Fear Navigation Company (now in suit in the Supreme Court of No. Carolina,) as soon as a final decree is entered up,	1,200 00
June	" "	received for entries of vacant land this month	162 42
	" "	received of George McNeill, agent for the Cape Fear Navigation Company, being amount of dividend, No. 19, declared on 650 shares of stock held in said Company by the President and Directors of the Literary Fund of North Carolina,	650 000
July	" "	received for entries of vacant land this month	343 77
	" "	received of Charles Dewey, Cashier of the Bank of the State of North Carolina, being dividend No. 18, on 5027 shares of stock held in said Bank by the President and Directors Literary Fund,	16,337 75
	" "	Received of Gov. Morehead, Pres-	

in account with President and Directors of Literary Fund, Cr.

1843							
Nov.	By	Cash paid	Camden	County		387	24
	"	"	Macon	co		365	85
	"	"	Caswell	co		923	20
	"	"	Wake	co		1,390	11
	"	"	Guilford	co		1,405	40
	"	"	Duplin	co		722	23
	"	"	Haywood	co		376	14
Dec.	"	"	Loan made by the Literary Board,			2,500	00
	"	"	Perquimons county for Common Schools,			477	37
	"	"	Cherokee county, do do			253	17
	"	"	Rockingham co do do			1,610	06
	"	"	Henderson co do do			383	48
	"	"	Bertie co do do			736	38
1844	"	"	Warren co do do			3,335	48
Jan'y	"	"	Greene co do do			419	83
	"	"	Nash co do do			587	13
	"	"	Cherokee co do do			24	30
Feb'y	"	"	Granville co do do			1,188	90
	"	"	Stokes co do do			2,106	53
	"	"	Stanly co do do			288	00
	"	"	Burke co do do			642	00
	"	"	Buncombe co do do			746	10
	"	"	Pryor Reynolds, Secretary Literary Board, to pay expenses of the members of said Literary Board,			288	00
	"	"	Henry W. Miller, Professional services rendered the Literary Board,			85	00
	"	"	R. L. Myers, being balance of his account against the Literary Board, and for his personal attendance on said Board,			119	55
	"	"	Editor of the Highland Messenger, for publishing Tabular statement of the School Fund in September, 1843,			17	00
March	"	"	Hyde county for Common Schools,			432	69
	"	"	Rutherford co do do			1,079	42
	"	"	Caldwell co do do			387	38
April	"	"	Pryor Reynolds, Secretary of Literary Board, to defray the expenses of the members of the Literary Board,			180	00

Dr.

John H. Wheeler, Treasurer of Literary Fund.

1844			
July		ident Ex Officio of the Literary Board being interest collected on Bonds discounted by said Board,	1,380 62
	To	Cash received of Gov. Morehead President Ex officio of the Literary Board, being principal on loans made by the Literary Board,	9,018 99
	" "	received of Governor Morehead, President Ex officio of the Literary Board, being interest collected on the bonds of the Wilmington & Raleigh Rail Road Company, held by said Board,	6,660 00
	" "	Received of Gov. Morehead, President Ex officio of the Literary Board, being interest collected on Bonds of the Raleigh and Gaston Rail Road Company, held by the Literary Board, and endorsed by the State,	4,959 00
	" "	George McNeill, Agent for the Cape Fear Navigation Company, being dividend No. 12, on 650 shares of stock held in said Company by President and Directors of the Literary Fund of North Carolina,	750 00
Aug'st	" "	Received for entries of vacant lands during this month.	214 52
	" "	Received from Sheriffs, being Tax imposed on Retailors of Spirituous Liquors,	150 40
	" "	Received from the Public Treasurer, being ordered by the last Legislature to be paid in lieu of the Notes of George E. Badger and others, given to the Literary Board,	890 21
Sept.	" "	Received of Gov. Morehead, President Ex officio of the Literary Board, as interest on loans by said Board,	213 31
	" "	Received of Gov. Morehead, President Ex officio of the Literary Board, as principal on loans made by Literary Board,	733 17
	" "	Received of Gov. Morehead, President Ex officio of Board of Internal Improvements, being interest on loans made by said Board,	150 00
	" "	Received for entries of vacant land during this month,	265 72

*in account with President and Directors of Literary Fund,*C^R.

1844						
April	"	"	"	Guilford county for Common Schools,	1,107	00
May	"	"	"	Beaufort, do do	637	00
	"	"	"	Bertie, do do	579	00
	"	"	"	Carteret, do do	369	00
	"	"	"	Caswell, do do	735	00
	"	"	"	Cumberland, do do	802	00
	"	"	"	Currituck, do do	358	00
	"	"	"	Cabarrus, do do	513	00
	"	"	"	Chatham, do do	863	00
	"	"	"	Craven, do do	682	00
	"	"	"	Duplin, do do	569	00
	"	"	"	Greene, do do	330	00
	"	"	"	Halifax, do do	800	00
	"	"	"	Iredell, do do	867	00
	"	"	"	Johnston, do do	562	00
	"	"	"	Martin, do do	398	00
	"	"	"	Moore, do do	452	00
	"	"	"	New Hanover, do do	658	00
	"	"	"	Northampton, do do	652	00
	"	"	"	Onslow, do do	393	00
	"	"	"	Orange, do do	1,317	00
	"	"	"	Pasquotank, do do	453	00
	"	"	"	Perquimons, do do	378	00
	"	"	"	Person, do do	493	00
	"	"	"	Richmond, do do	440	00
	"	"	"	Robeson, do do	563	00
	"	"	"	Randolph, do do	753	00
	"	"	"	Surry, do do	878	00
	"	"	"	Washington, do do	236	00
	"	"	"	Wayne, do do	576	00
	"	"	"	Bladen, do do	407	00
	"	"	"	Chowan, do do	319	00
	"	"	"	Hertford, do do	377	00
	"	"	"	Pitt, do do	583	00
	"	"	"	Franklin, do do	541	00
	"	"	"	McDowell, do do	286	00
	"	"	"	Lenoir, do do	375	00
	"	"	"	Macon, do do	289	00
	"	"	"	Jones, do do	233	00
	"	"	"	Thomas W. Atkins & Co. by order of the Literary Board for advertising distribution of Common School Fund to the different Counties,	2	00
July	"	"	"	For expenses of the members of the Literary Board from		

Dr. *John H. Wheeler, Treasurer of Literary Fund,*

1844

Sept.	To Cash received from sundry Sheriffs this month, being Tax on Retailors of Spirituous Liquors,	2,273 86
Oct.	" " Received for entries of vacant land during this month	237 29
	" " Received from M. M. Plunkett, Auctioneer of Cabarrus county,	3 14
	" " Received of W. Dunn, Craven do	85 15
	" " Received of J. S. Fowler, do do	22 87
	" " Received of E. W. Wilkings, Cumberland,	39 24
	" " Received of S. W. Tillinghast do	15 25
	" " Received of Will. Peck, Wake,	17 52
	" " Received of Robt. G. Rankin, New Hanover,	148 93
	" " Received of Talcott Burr, do	173 77
	Amount carried forward,	\$186,052 05

in account with President and Directors of Literary Fund.

Ct.

1844					
July		1st day of April, 1844, to July 1st, 1844,			168 00
	By Cash paid	A. C. Dickerson for building Bridges, removing Stumps, and other work done on Pungo Lake Canal,			180 00
	" "	" Wake County for Common Schools,			1,095 00
	" "	" Stokes, do do			928 00
	" "	" Montgomery, do do			310 00
	" "	" Henderson, do do			302 00
	" "	" Columbus, do do			215 00
	" "	" Wilkes, do do			675 00
	" "	" Columbus, do do			271 06
	" "	" Cleveland, do do			2,696 14
	" "	" Caldwell, do do			306 00
	" "	" Buncombe, do do			586 00
	" "	" Ashe, do do			444 00
	" "	" Brunswick, do do			271 00
Aug'st	" "	" Yancy, do do			454 67
	" "	" Yancy, do do			358 00
	" "	" Camden, do do			306 00
	" "	" Mecklenburg, do do			962 00
	" "	" Hyde, do do			432 69
	" "	" Hyde, do do			341 00
	" "	" Cherokee, do do			212 00
Sept.	" "	" Sampson, do do			635 00
	" "	" Wayne, do do			747 30
	" "	" Washington, do do			302 70
	" "	" Wake, do do			1,422 11
	" "	" Surry, do do			1,130 00
	" "	" Stanly, do do			365 05
	" "	" Stanly, do do			373 50
	" "	" Orange, do do			1,713 30
	" "	" Pitt, do do			768 00
	" "	" Pasquotank, do do			586 30
	" "	" Johnston, do do			731 30
	" "	" Haywood, do do			298 00
	" "	" Granville, do do			937 00
	" "	" Guilford, do do			1,438 00
	" "	" Franklin, do do			702 70
	" "	" Cabarrus, do do			665 50
	" "	" Anson, do do			1,028 00
	" "	" Stanly, do do			288 00
Oct.	" "	" Martin, do do			516 60
	" "	" Iredell, do do			1,127 00
	" "	" Sampson, do do			814 00

Dr.

John H. Wheeler, Treasurer of Literary Fund.

1844		
Nov.	Amount brought forward,	\$186 052 05

To Balance due President and Directors of the Literary Fund, Nov. 1, 1844,	\$64,329 40
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The foregoing Statement is founded on Returns and Vouchers
filed in Comptroller's Office, Nov. 1, 1844.

WM. F. COLLINS,

Comptroller of Public Accounts.

COMPTROLLER'S OFFICE,

Nov. 1st, 1844.

}

\$186,052 05

in account with President and Directors of Literary Fund,

Cr

1844				
Oct.	By Cash paid Richmond, C'ty for	Common		
		Schools,	593	50
"	"	Wilkes, do do	876	70
"	"	Brunswick, do do	359	80
"	"	Davidson, do do	830	00
"	"	Beaufort, do do	829	30
"	"	Randolph, do do	976	80
"	"	Henderson, do do	392	45
"	"	Buncombe, do do	763	50
"	"	Cumberland, do do	1,042	00
"	"	Robeson, do do	731	70
"	"	Macon, do do	374	40
"	"	Halifax, do do	1,040	00
"	"	Anson, do do	792	00
"	"	Onslow, do do	510	30
"	"	Lenoir, do do	486	20
"	"	Craven, do do	885	00
"	"	Currituck, do do	465	25
"	"	Hertford, do do	489	15
"	"	Tyrrell, do do	251	00
"	"	Perquimons, do do	488	60
"	"	Person, do do	638	00
"	"	Northampton, do do	846	00
"	"	Nash, M'ch div'd do do	462	00
"	"	Nash, Sept. div'd do do	600	70
"	"	Caldwell, do do	396	50
"	"	Davidson, do do	1,079	00
"	"	Bladen, do do	528	40
"	"	Chatham, do do	1,120	00
"	"	Yancy, do do	465	20
"	"	Mecklenburg, do do	1,249	00
"	"	Rutherford, do do	831	00
"	"	Caswell, do do	944	50
"	"	Chowan, do do	414	90
"	"	Camden, do do	396	30
"	"	Greene, do do	429	60
"	"	Pryor Reynolds, Sec'y of Lit'ry Board, to defray expenses of the members of said B'd from 1st July, 1844, to 1st Oct. 1844,	240	00
"	"	For Advertising the September dividend of the Literary Board for Common Schools in the Signal & Highland Messenger,	27	00
		Balance,	64,329	40
				<u>\$186,052 05</u>

Dr.

John H. Wheeler, Treasurer of Literary Fund,

RECAPITULATION OF RECEIPTS SINCE FIRST NOVEMBER, 1843

Entries of Vacant Lands	3,150 86
Bank Dividends, Bank of the State	31,418 75
Bank Dividends, Bank Cape Fear	26,610 00
Principal on Loans by Literary Board	21,956 12
Interest on Loans by Literary Board	4,677 68
Interest on Loans by Internal Imp't Board	1,020 58
Bonds of the Wilmington & Raleigh Rail Road Company	17,190 00
Bonds of the Raleigh and Gaston Rail Road Company	9,918 00
Amercement (collected of R. W. Long, Sh'ff)	100 00
Sale of Shingles by order of Lit'ry Board	545 73
Auctioneers	505 87
Retailers of Spirituous Liquors	2,424 26
Notes of G. E. Badger & John M. Mason	890 21
Cape Fear Navigation Dividends	2,600 00
Add Balance on hand 1st Nov. 1843	63,043 99

	\$186,052 05
Deduct disbursements since 1st Nov. 1843	121,722 65

Balance due President & Directors Lit'ry Fund 1st November, 1844	\$64,329 40
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in account with President and Directors of Literary Fund. Dr. Cr.

RECAPITULATION OF DISBURSEMENTS SINCE FIRST NOVEMBER, 1843.

Proprietors of North American Review	5 00
Printing by order of the Literary Board	60 00
Loan by Literary Board	2,500 00
Attorney's Fee, (H. W. Miller)	85 00
Members of Literary Board	876 00
R. L. Myers	119 55
A. C. Dickerson	180 00
Common Schools	117,897 10
	<hr/>
	121,722 65

DR. *John H. Wheeler, Treasurer of Fund for Int'l Impts. in act.*

1843			
Nov. 1.	To balance due President & Directors of Internal Improvement Fund on the 1st day of November, A.D. 1843,		\$27,049 94
	" Cash received of David Copenny, being in full for a tract of Land, sold in 1838, designated as Tract No. 11, District No. 2		44 15
	" " Received of David Copenny, being in part of 2nd Instalment for the purchase of Cherokee Lands in 1838, Tract No. 12, District No. 2		915 05
	" " Received of David Copenny, being in full of Instalment of the purchase money for Cherokee Lands sold in 1838, Tract No. 11, District No. 2		42 80
	" " Received of Jacob Siler, agent for the collection of Cherokee Bonds for Lands sold in 1838		903 35
	" " Received of Thomas L. *Clingman, Atto. for the collection of Cherokee Bonds given in 1836		244 00
1844			
Jan'y	" " Received of David W. Stone, Cash'r of the Bank of Cape Fear, being a dividend of 3 per cent. declared on 112 Shares of Capitol Stock held in said Bank by the President & Directors of Internal Improvement Fund of North Carolina		336 00
	" " Received of Edmund Jones, by Sam'l F. Patterson, being amount collected in part of Bonds given for Cherokee Lands sold in 1838		150 00
Febr'y	" " Received of Jacob Siler, agent for the collection of Cherokee Bonds, given for Cherokee Lands, sold in 1838		2,088 32
March	" " Received of Jacob Siler, agent for the collection of Cherokee Bonds, given at the Land Sale of 1838		7,600 60
April	" " Received of Jacob Siler, agent for the collection of Cherokee Bonds, given at the Land Sales of 1838,		2,330 57
	" " Received of Gov. Morehead, Pres. Ex-officio of the Board of Internal Improvements, being principal collected on loans made by said Board,		4,834 80
May	" " Received of Samuel F. Patterson,		

With the President and Directors of the Fund for Int'l Impts. CR.

1844			
Feb'y	By Cash paid	Pryor Reynolds, Secretary to the Internal Improvement Board, to pay for the repairing of Mathe- matical Instruments used in the survey of Nag's Head, as order- ed by said Board,	106 75
"	"	" Pryor Reynolds, Secretary to the Board of Int'l Improvements, to defray expenses of said Board from 25th January, 1843, to 3d January, 1844	169 00
"	"	" Thomas L. West, Clerk employ- ed by the Public Treasurer to keep the accounts of the Inter- nal Improvement Board	225 00
		Amount carried forward	<u>\$500 75</u>

DR. *John H. Wheeler, Treasurer, Fund for Int. Impts. in acct.*

1844			
		Ad'm of Edmund Jones, deceased, being for the purchase of Cherokee Lands sold in 1838,	200 00
May	To Cash	Received of David W. Stone, Cash'r of the Bank of Cape Fear, being a dividend of 2 per cent. declared on 112 Shares of Capital Stock held in said Bank by the President & Direc- tors of the Fund for Internal Im- provement,	224 00
June	" "	Received of John Tatham, being for the purchase of Section No. 91 in District No. 6, of the Cherokee Lands sold in 1838,	477 06
July	" "	Received of Jacob Siler, agent for the collection of Cherokee Bonds given at the Land Sales of 1838,	350 30
August	" "	Received of Samuel Tate, being in full of the 3rd Instalment for the pur- chase of Cherokee Lands sold in 1838, Tract No. 61 in Dis. No. 2,	1087 79
	" "	Received of John Sudderth, being in part of the 4th Instalment for Chero- kee Lands, sold in 1838	122 80
	" "	Received of John Sudderth, being in full of the 4th Instalment for the pur- chase of Cherokee Lands sold in 1838, of which sum two hundred and fifty-eight dollars and twelve and a half cents is principal,	277 20
	" "	Received of Jacob Abernathy, being for the purchase of Cherokee Lands sold in 1838,	450 00
Sept.	" "	Received of Thomas L. Clingman, Attorney for the collection of Chero- kee Bonds given for Lands sold prior to 1838,	400 00
Oct.	" "	Received of Jacob Siler, agent, being amount collected on sales of Chero- kee Lands sold in 1838,	1363 03
	" "	Received of Jno. H. Wheeler, being a remittance to him (by Jacob Siler, Agent for the collection of Cherokee Bonds,) in April last, which receipt	

with the President and Directors of the Fund for Int. Impts.

Cr.

1844		Amount brought forward	500 75
Aug'st	By Cash paid John H. Wheeler, being for twenty-five days' services of Thomas L. West, as Clerk to the Internal Improvement Board,		75 00
	Balance		51,166 01
	Amount carried forward,		\$51,741 76

with the President and Directors of the Fund for Int. Impts. Cr.

1844		
Oct.	was neglected to be filed in this office until this month,	250 00
		<u>\$51,741 76</u>
Nov.	To balance due President and Directors of the Internal Improvement Fund 1st day November, 1844,	\$51,166 01

with the President and Directors of the Fund for Int. Impts. CR.

Amount brought forward \$51,741 76

DR. *John H. Wheeler, Treasurer of Fund for Int. Impts., in acct.*

RECAPITULATION OF RECEIPTS SINCE FIRST
NOVEMBER, 1843.

Cherokee Bonds (sale 1838,)	18,653 02
Cherokee Bonds, (sale 1836,)	644 00
Principal on loans by Internal Improvement Board,	4,834 80
Bank Dividends, Bank of Cape Fear,	560 00
Add balance on hand 1st Nov. 1843,	\$27,049 94
	<hr/>
	\$51,741 76
Deduct disbursements since 1st Nov. 1843,	575 75
	<hr/>
Amount due President and Directors of Internal Im- provement Fund 1st November, 1844,	\$51,166 01
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with the President and Directors of the Fund for Int. Impts. CR.

RECAPITULATION OF DISBURSEMENTS SINCE FIRST NOVEMBER, 1843.

Pryor Reynolds, Secretary, for Mathematical Instruments,	106 75
Expenses of the Members of Int'l Improvement Board,	169 00
Thomas L. West, Clerk to Int'l Improvement Board,	300 00
	<hr/>
	\$575 75

The foregoing Statement is founded on Returns filed in the Comptroller's Office, Nov. 1, 1844.

WM. F. COLLINS, *Compt. Pub. Acts.*

COMPTROLLER'S DEPARTMENT,
November 1, 1844. }

with the State of North Carolina.

Cr.

1843		
Nov.	By Balance due Public Treasurer as Treasurer of Public Fund, on 1st day of November, 1843,	\$14,343 37
	" Cash paid, being amount of Disbursements at the Public Treasury, from 31st October, 1843, to 1st November, 1844,	141,407 77
		<u>\$155,751 14</u>
	By balance due Public Treasurer 1st day of November, 1844,	\$70,954 97

The foregoing Statement is founded on Returns and Vouchers filed in Comptroller's Office, Nov. 1, 1844.

WM. F. COLLINS,

Comptroller of Public Accounts.

COMPTROLLER'S OFFICE,

Nov. 1st, 1844.

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DISBURSEMENTS.

The following exhibits the amount disbursed under the separate heads of Expenditures from 1st day of November, 1843, to the 31st day of October, 1844, inclusive.

JUDICIARY.

1843				
Nov.	Paid	Hon. R. M. Pearson, Sup'r Court Judge, his half year's salary, 10 certificates,		975 00
	"	" John L. Baily, his half year's salary,		975 00
	"	" Thomas Settle, 9 certificates,		875 00
	"	" M. E. Manly, his half year's salary,		975 00
	"	" W. H. Battle, do do		975 00
	"	Spier Whitaker, Attorney General of the State, 6 certificates,		120 00
	"	H. C. Jones, Solicitor, 5 certificates,		100 00
	"	J. G. Bynum, do 8 do,		160 00
	"	D. Outlaw, do 10 do,		200 00
	"	Robert Strange do 4 do,		80 00
	"	H. S. Clark, do 4 do,		80 00
	"	Jas. Iredell, Reporter to Supreme Court,		150 00
	"	Turner & Hughes, printing, publishing and distributing Supreme Court Reports,		945 83
Dec.	"	Hon. J. M. Dick, Superior Court Judge, his half year's salary, 11 certificates,		975 00
	"	" Frederick Nash, his half year's salary,		975 00
	"	" M. E. Manly, holding Special Term of Court for Cumberland county,		90 00
	"	" John H. Baily, holding Special Term of Court for Moore County,		90 00
	"	" John L. Baily, for holding Special Term of Court for Anson county,		90 00
	"	John F. Poindexter, Solicitor, 7 certificates of 20 dollars each,		140 00
	"	H. C. Jones, Solicitor, 4 certificates,		80 00
	"	F. Gorrell and F. Waddell, Solicitors pro tem. 1 certificate of \$20,		20 00
	"	Cad. Jones, Solicitor pro tem. one certificate,		20 00
	"	John Kerr, Solicitor pro tem. 1 certificate		20 00

1844	Paid John G. Bynum, Solicitor 1 certificate,	20 00
Jan.	" Hon. Joseph J. Daniel, Supreme Court Judge, his 4th qr. salary,	625 00
	" " William Gaston, his 4th qr. salary,	625 00
	" " Thomas Ruffin, Chief Justice, his 4th qr. salary,	625 00
	" Henry S. Clark, Solicitor, 6 certificates,	120 00
Feb.	" Hon. M. E. Manly, Judge of Superior Courts of Law and Equity, holding Special Court for New Hanover county,	90 00
	" Spier Whitaker, Attorney General, for attending Supreme Court at December Term, 1843,	100 00
	" Spier Whitaker, Attorney General, four certificates,	80 00
	" Robert Strange, Solicitor, 8 certificates,	160 00
	" J. F. Poindexter, Solicitor, 1 certificate,	20 00
	" J. G. Bynum, Solicitor, 1 certificate,	20 00
March	" Edmund B. Freeman, Clerk to the Supreme Court, his salary, and for Record Books, and for Recording the proceedings of the Court,	694 10
	" John T. C. Wiatt, Marshal to the Supreme Court, his compensation for services attending on said Court,	112 00
	" Robert Strange, Solicitor, one certificate of twenty dollars,	20 00
April	" Hon. Joseph J. Daniel, one of the Supreme Court Judges, his 1st qr. salary,	625 00
	" H. C. Jones, Solicitor, 6 certificates,	120 00
	" Robert Strange, Solicitor, 5 certificates,	100 00
May	" Hon. Judge Ruffin, his 1st qr. salary,	625 00
	" " Judge Nash, his half year's salary,	975 00
	" " Judge Settle, his half year's salary,	975 00
	" " Judge Manly, his half year's salary,	975 00
	" " Judge Battle, his half year's salary,	975 00
	" " Judge Pearson, his half year's salary,	975 00
	" " Judge Pearson, Special Term,	90 00
	" Turner & Hughes, publishing Supreme Court Reports,	558 53
	" James Iredell, Reporter to Supreme Court,	150 00
	" A. C. Blount, Solicitor, 1 certificate,	20 00
	" H. S. Clark, Solicitor, 7 certificates,	140 00

1844		
May	Paid C. Jones, Solicitor, 2 certificates,	40 00
	" J. G. Bynum, Solicitor, 7 certificates,	140 00
	" Robert Strange, Solicitor, 1 certificate,	20 00
June	" Hon. Judge Dick, His half year's salary,	975 00
	" " Judge Baily, his half year's salary,	975 00
	" " Judge Battle, Special Term, for Anson county,	90 00
	" Spier Whitaker, Attorney General, attending Supreme Court,	100 00
	" Spier Whitaker, 10 certificates, as Atto. General,	200 00
	" Henry S. Clark, Solicitor, 2 certificates,	40 00
	" John G. Bynum, Solicitor, 1 certificate,	20 00
	" David Outlaw, Solicitor, 10 certificates	200 00
	" Cad. Jones, Solicitor, 9 certificates,	180 00
	" H. C. Jones, Solicitor, 5 certificates,	100 00
July	" M. E. Manly, Executor of Hon. William Gaston, Judge of Supreme Court, being a part of his 1st qr. salary from 31st day of December to 23d of January, 1844, the day of his death,	157 50
Aug'st	" Hon. Thomas Ruffin, Chief Justice, his 2nd qr. salary for 1844,	625 00
	" " Joseph J. Daniel, Judge of Sup'm Court, his 2nd qr. salary for 1844,	625 00
	" " Frederick Nash, Judge of Sup'm Court, his part of 2nd qr. salary for 1844,	342 46
	" E. B. Freeman, Clerk to Supreme Court, his half year's salary, and recording proceedings of the court,	811 80
	" Jno. T. C. Wiatt, Marshal to Supreme Court, at June Term, 1844,	152 00
	" Jno. L. Bailey, Judge of the Superior Courts, attending extra Term for Orange county,	90 00
	" W. H. Battle, for holding extra term of court for Randolph county,	90 00
	" John M. Dick, holding extra court for Mecklenburg county,	90 00
	" Jno. G. Bynum, Solicitor, two certif.	40 00
Sept.	" Robt. Strange, Solicitor, six certificates,	120 00
	" David Outlaw, Solicitor, two certificates of \$20 each,	40 00
	" Cad. Jones, Solicitor, two certificates of \$20 dollars each,	40 00
Oct.	" Hon. Thomas Ruffin, Chief Justice S. C. his 3d qr. salary,	625 00

1844		
	" Hon. F. Nash, Judge of Supreme Court, his 3d qr. salary,	625 00
	" Spier Whitaker, Atto. Gen'l, six certificates of \$20 each,	120 00
	" H. C. Jones, Solicitor, five certificates of \$20 each,	100 00
	" Robt. Strange, Solicitor, seven certificates of \$20 each,	140 00
	" H. S. Clark, Solicitor, two certificates of \$20 each,	40 00
	" A. C. Blount, Solicitor pro. tem. one certificate of \$20,	20 00
	" D. Outlaw, Solicitor, one certificate,	20 00
	" Hon. Judge Settle, for holding extra term of court,	90 00
	" Hon. M. E. Manly, Judge of Superior Court of Law and Equity, his half year's salary,	975 00
	" James Iredell, Reporter to the Supreme Court, his half year's salary,	150 00
	" Turner & Hughes, for publishing Supreme Court Reports,	747 33
		<hr/>
		29,681 55

EXECUTIVE DEPARTMENT.

1843		
Jan'y	Paid Pryor Reynolds, Private Secretary, Gov. Morehead's 4th quarter salary,	500 00
	" Prior Reynolds, his 4th qr. salary,	75 00
April	" Pryor Reynolds, Gov. Morehead's 1st qr. salary,	500 00
	" Pryor Reynolds, his 1st qr. salary,	75 00
July	" Pryor Reynolds, Gov. Morehead's 2d qr. salary,	500 00
	" Pryor Reynolds, his 2d qr. salary,	75 00
Oct.	" Pryor Reynolds, Gov. Morehead's 3d qr. salary,	500 00
	" Pryor Reynolds, his 3d qr. salary,	75 00
		<hr/>
		2,300 00

1844	STATE DEPARTMENT		
Jan'y	William Hill, Secretary of State, his 4th quarter salary,	200 00	
April	William Hill, Secretary of State, his 1st qr. Salary,	200 00	
July	William Hill, Secretary of State, his 2d qr. Salary,	200 00	
Oct.	William Hill, Secretary of State, his 3d qr. salary,	200 00	
			800 00
	TREASURY DEPARTMENT.		
1844			
Jan'y	Jno. H. Wheeler, Public Treasurer, his 4th quarter salary,	500 00	
April	Jno. H. Wheeler, Public Treasurer, his 1st qr. salary,	500 00	
July	Jno. H. Wheeler, Public Treasurer, his 2d qr. salary,	500 00	
Oct.	Jno. H. Wheeler, Public Treasurer, his 3d qr. salary,	500 00	
			2,000 00
	COMPTROLLER'S DEPARTMENT.		
1844			
Jan'y	William F. Collins, Comptroller of Public Acc'ts, his 4th qr. salary,	250 00	
April	William F. Collins, Comptroller of Public Acc'ts his 1st qr. salary,	250 00	
July	William F. Collins, Comptroller of Public Acc'ts, his 2d qr. salary,	250 00	
Oct.	William F. Collins, Comptroller of Public Acc'ts, his 3d qr. salary,	250 00	
			1,000 00
	ADJUTANT GENERAL'S OFFICE.		
1844			
Jan'y	Robt. W. Haywood, Adj't General, his half year's salary,	100 00	
July	Robt. W. Haywood, Adj't General, his half year's salary,	100 00	
			200 00
	STATE LIBRARIAN.		
1844			
Jan'y	Paid James F. Taylor, State Libra- rian, his 4th qr. salary,	75 00	

1844			
April	Paid James F. Taylor, State Librarian, his 1st qr. Salary	75 00	
July	" James F. Taylor, State Librarian, his 2d qr. salary,	75 00	
Oct.	" James F. Taylor, State Librarian, his 3d qr. salary,	75 00	
			300 00
	SUPERINTENDENT PUBLIC BUILDINGS.		
1844			
Jan'y	Paid Green Hill, Superintendent of Public Buildings his 4th quarter salary,	65 00	
April	" Green Hill, his 1st qr. salary,	65 00	
July	" Green Hill, his 2d qr. salary,	65 00	
Oct.	" Green Hill, his 3d qr. salary,	65 00	
			260 00
	PUBLIC LIBRARY.		
1843			
Dec.	Paid J. H. DeCarteret, for Binding and Lettering Books for State Library,	301 40	
1844			
Febr'y	" Jacob Moreth, for a Map of the World for the use of the State Library,	10 00	
April	" B. B. Miner, for Ten Volumes of the Literary Messenger, for State Library,	60 00	
			371 40
	INTEREST ON RALEIGH AND GASTON RAIL ROAD BONDS.		
1843			
Nov.	Paid Interest on the Bonds of the Raleigh & Gaston Rail Road—Bonds endorsed by the State,	366 00	
Dec.	" C. Dewey, Cashier, being Interest on the Bonds of the Raleigh and Gaston R'l R'd Comp'y,	30 00	
1844			
Feb'y	" Interest on the Bonds of the Raleigh & Gaston R. R. Co.	22,464 00	
March	" Interest on the Bonds of the Raleigh & Gaston R. R. Co.	480 00	
May	" Interest on the Bonds of the Raleigh & Gaston R. R. Co.	96 00	
June	" Interest on the Bonds of the Raleigh & Gaston R. R. Co.	45 00	

1844		
July	Paid Interest on the bonds of the Raleigh & Gaston R. R. Co.	20,139 00
Aug'st	" Interest on the Bonds of the Raleigh & Gaston R. R. Co.	2,805 00
Sept.	" Interest on the Bonds of the Raleigh & Gaston R. R. Co.	1,035 00
Oct.]	" Interest on the Bonds of the Raleigh & Gaston R. R. Co.	30 000
		<u>47,490 00</u>

POST OFFICE.

1843		
Nov.	Paid Thomas G. Scott, Post Master, his account of Postage as follows:	
	" Postage, Treasury Office,	8 41
	" " Comptroller's Office,	2 43
	" " Adj't. General's Office,	16 38
Dec.	" " Adj't. General's Office,	9 05
	" " Treasury Office	4 97
1844		
Jan'y	" " Sect. of State Office	3 78
Feb'y	" " Executive Office,	56 99
April	" " Do Do,	61 61
	" " Treasury Office	10 60
	" " Comptroller's Office,	2 41
	" " Sect. of State Office,	1 80
July	" " Executive Office,	78 02
	" " Treasury Office,	9 71
	" " Comptroller's Office,	7 18
	" " Adj't. General's Office,	3 23
August	" " Do Do	2 87
	" " Comptroller's Office,	6 51
	" " Treasury Department	9 88
Sept.	" " Sect. of State	24 75
		<u>320 58</u>

PENSIONERS.

1843		
Nov.	Paid John Rhem, his Pension,	100 00
	" Alexander Taylor, his Pension,	50 00
	" Isabella Campbell, her Pension,	40 00
Dec.	" Martha Spears, her Pension,	100 00
1844		
June	" Silas Horn, his Pension for 1843,	50 00
		<u>\$340 00</u>

1843		PUBLIC PRINTING.	
Nov.	Paid Thomas Loring, for printing Blank Licenses & other Blanks, for the Comptroller's Department,	51 75	
Dec.	" Weston R. Gales, 1000 Military Commissions,	30 00	
	" Thomas J. Lemay, publishing Comptroller's Report for 1843,	75 00	
	" Weston R. Gales, for publishing Comptroller's Report,	75 00	
	" Thomas J. Lemay, for publishing Statement showing distribution of School Fund,	13 00	
	" P. H. Busbee, publishing Comptroller's Report in the Signal,	75 00	
1844			
March	" Thomas Loring, printing done for the Treasury Department,	35 50	
April	" W. R. Gales, printing done by order of the Literary Board,	93 25	
May	" M. C. Pendleton, for publishing Comptroller's Report,	75 00	
Aug'st	" Thos. Loring, printing Blanks for Comptroller's Office, in settlement with Sheriffs,	36 50	
		<hr/>	560 00
		PRINCIPAL ON WILMINGTON AND RALEIGH RAIL ROAD BONDS.	
1844			
Jan'y	Paid D. W. Stone, Cashier of the Bank of Cape Fear, being principal on Bonds of the Wilmington & Raleigh Rail Road Co., endorsed by the State,	13,000 00	
Feb'y	" Chas. Dewey, Cashier, being principal on the Bonds of the Wilmington & Raleigh Rail Road Company, endorsed by the State,	34,000 00	
March	" Principal on Bonds of the Wilmington & Raleigh Rail Road Company, guarantied by the State, due 1st January, 1844,	3,000 00	
		<hr/>	\$50,000 00

1844		COUNCIL OF STATE.	
Eeb'ry	Paid Pryor Reynolds, Governor's Private Sect., to pay expense of the State Council, convened by order of Gov. Morehead,	108 90	
March	" Council of State, convened to appoint Supreme Court Judge,	96 50	
June	" Council, convened to appoint Superior Court Judge,	64 90	
July	" Council, convened to appoint Superior Court Judge,	140 50	
		<hr/>	410 70
		WEIGHTS & MEASURES.	
1844			
April	Paid Pryor Reynolds, Private Sect. to remit to Joseph Conrad, being balance due for constructing yard measures for the State,	257 00	
May	" T. J. Dyre, for 2 sets of Standard Weights & Measures, &c.,	107 83	
	" David Rentley & sons for two sets of Standard Weights and Measures,	27 00	
		<hr/>	391 83
		GOVERNOR'S HOUSE.	
1844			
June	Paid, Sundry repairs about Governor's house and lot,	21 00	
		<hr/>	21 00
		CONTINGENCIES.	
1843			
Nov.	Paid Duncan G. McRea, his compensation as keeper of the Arsenal at Fayetteville, for the year ending October 1st, 1843,	60 00	
Dec.	" Pryor Reynolds, to remit to Thomas L. Clingman, Counsel employed by the Governor to defend the title of the Purchasers of the Lands in Cherokee Co.,	150 00	
	" Lewis Peck, Auctioneer for selling three public Buildings in the Capitol Square,	3 00	
	" J. H. DeCarteret for binding & lettering Books in Executive Office	8 85	

1843	Dec.	Paid Joshua E. Lumsden, his Bill of sundry Repairs about the Capitol,	7 20
		" S. Whitaker, for fire wood furnished the State Offices,	85 00
		" W. Byrd, for Pump Stock, for well in Capitol Square,	24 50
1844	Jan.	" William Hill, Secretary of State, for copying Laws of the State of Virginia, and Testimonials to the same,	11 20
		" J. McAdams, for repairing Pump in Capitol Square,	3 00
		" Ruffin Tucker, for half dozen Brooms for the use of the Capitol,	1 50
	Feb'ry	" Andrew Kevan & Brothers, being expenses on boxes of Stationery,	10 21
		" Edmund B. Freeman, expenses of fitting up Supreme Court Room,	196 52
		" Pryor Reynolds, Private Sect. to defray expenses of Servant hire to Executive Office,	48 00
	March	" J. H. DeCarteret, for Record Book for State Department,	12 00
		" Wesley Hollister, for Ink, &c., for the State,	5 75
		" William Chavers, for repairing Pump in Capitol Square,	2 00
	April	" Jackson Mitchell, for cleaning out Public Well in Union Square,	1 50
		" William Ashly, for repairs and laying new Floor in Secretary of State's Office,	97 45
		" G. W. Witherall & Co., Philadelphia, for two boxes of large glass for the windows of the State Capitol,	57 78
		" By order of Gov. Morehead, for two Seals for Catawba County,	45 22
	May	" S. H. Whitaker, for fire wood furnished the public offices,	274 16
		" R. Tucker, for drayage of Books, &c., done for the State,	6 75

1844			
June	Paid J. McKimmon, his Bill for Brooms, Candlesticks, &c., for the State Offices,	1 45	
July	" Duncan G. McRea, keeper of State Arsenal at Fayetteville, as per Bill rendered,	100 38	
Aug'st	" Thomas J. Lemay, for advertising sale of old Offices on Public Square,	2 75	
	" Cash paid Literary Board in lieu of the Notes of George E. Badger & others by act of the last Legislature,	890 21	
Sept.	" J. H. DeCarteret, for binding Books for the State,	3 75	
	" William Hill, for copying Statutes of South Carolina, for the use of the State, per requisition of Cad. Jones, Solicitor for the 4th Circuit of the State,	13 85	
	" John C. Palmer, for making Seal for the County of Stokes,	10 00	
Oct.	" Duncan G. McRea, keeper of Arsenal at Fayetteville, his year's salary ending Oct. first, 1844,	60 00	
		138,641 94	

GOVERNOR'S ELECTION.

1844			
Aug'st	Paid Sheriff of Warren county making return of Gov Election,	8 00	
	" Sheriff of Caswell, for Gov. Elec.	12 00	
	" Davidson,	10 00	
	" Cherokee,	52 00	
	" Macon,	46 00	
	" Haywood,	42 00	
	" Buncombe,	32 00	
Sept.	" Greene,	8 00	
	" Halifax,	8 00	
	" Sampson,	10 00	
	" Randolph,	10 00	
	" Granville,	6 00	
	" Lincoln,	24 00	
	" Cleveland,	26 00	
	" Edgecomb,	12 00	
	" Richmond,	16 00	
	" Ashe,	30 00	

1844					
Sept.	Paid Sheriff of Wayne, for Gov. Elec.	10 00			1841
"	" Davie,	16 00	Paid	June	
"	" Cabarrus,	16 00			
"	" Iredell,	24 00			
"	" Hyde,	22 00	"	July	
"	" Perquimons,	20 00			
"	" Chatham,	8 00	"	Aug'st	
"	" Carteret,	15 06			
"	" Robeson,	14 00			
"	" Nash,	8 00			
"	" Guilford,	12 00			
"	" Rockingham,	14 00			
"	" Northampton,	9 75			
"	" Craven,	17 50	"	Sept	
"	" New Hanover,	15 72			
"	" Stokes,	14 00			
"	" Washington,	19 87			
"	" Tyrrell,	21 87			
"	" Columbus,	16 00			
"	" Hertford,	12 62			
"	" Camden,	21 62			
"	" Currituck,	21 44			
"	" Wilkes,	28 00	"	Oct	
"	" Cumberland,	11 70			
"	" Wake,	4 00			
"	" Burke,	30 00			
"	" Yancy,	34 00			
"	" Caldwell,	29 25			
"	" Pitt,	16 00			
"	" Beaufort,	20 00			
"	" Lenoir,	11 60			
"	" Bladen,	16 00	Paid	1841 Aug'st	
"	" Rutherford,	31 62			
"	" Anson,	18 00			
"	" Bertie,	14 00			
"	" Moore,	12 00			
"	" Henderson,	32 00			
"	" Johnston,	8 00			
"	" Gates,	13 50			
"	" Chowan,	13 62	"	Sept	
"	" Stanly,	16 00			
"	" Montgomery,	15 50			
"	" Jones,	13 37			
"	" Onslow,	14 00			
"	" Duplin,	14 00			
"	" Brunswick,	24 00			
"	" Orange,	7 60			
"	" Rowan,	18 00			

1844	Paid Sheriff of Mecklenburg,	24 00	1844
"	" Surry,	20 00	Sept
"	" Martin,	12 00	"
"	" Person,	12 00	"
"	" Franklin,	8 00	"
"	" Pasquotank,	30 00	"
			1,273 21
	SHERIFFS FOR SETTLING PUBLIC TAXES.		
1844	Paid Sheriff of Warren county for		
Aug'st	settling Tax,	8 50	
"	Sheriff of Caswell,	9 00	
"	" Davidson,	14 00	
"	" Macon,	38 00	
"	" Haywood,	34 00	
"	" Buncombe,	31 00	
"	" Cherokee,	43 00	
Sept.	" Greene,	10 50	
"	" Halifax,	11 00	
"	" Sampson,	9 50	
"	" Randolph,	11 50	
"	" Granville,	7 50	
"	" Lincoln,	22 10	
"	" Cleveland,	24 30	
"	" Catawba,	22 10	
"	" Edgecomb,	8 70	
"	" Union,	18 00	
"	" Richmond,	13 00	
"	" Ashe,	25 00	
"	" Wayne,	8 00	
"	" Hyde,	23 00	
"	" Cabarrus,	17 00	
"	" Davie,	16 00	
"	" Iredell,	18 00	
"	" Perquimons,	22 50	
"	" Chatham,	6 30	
"	" Carteret,	19 80	
"	" Robeson,	12 80	
"	" Nash,	7 50	
"	" Guilford,	11 00	1844
"	" Rockingham,	12 00	August Paid
"	" Northampton,	13 00	"
"	" Craven,	15 00	"
"	" New Hanover,	16 70	"
"	" Stokes,	15 00	"
"	" Washington,	21 40	"
"	" Tyrrell,	23 00	Sept

1844			
Sept.	Paid Sheriff of Columbus county,	15 00	
"	Hertford,	16 50	
"	Camden,	25 00	
"	Currituck,	25 50	
"	Wilkes,	21 50	
"	Cumberland,	9 00	
"	Wake,	3 00	
"	Burke,	23 00	
"	Yancy,	27 50	
"	Caldwell,	23 00	
"	McDowell,	25 80	
"	Pitt,	12 00	
"	Beaufort,	14 00	
"	Lenoir,	11 00	
"	Bladen,	12 60	
"	Rutherford,	25 00	
"	Anson,	16 30	
"	Bertie,	14 00	
"	Moore,	9 00	
"	Henderson,	29 00	
"	Johnston,	5 60	
"	Gates,	18 00	
"	Chowan,	21 00	
"	Stanly,	16 40	
"	Montgomery,	14 50	
"	Jones,	13 50	
"	Onslow,	13 80	
"	Duplin,	13 00	
"	Brunswick,	20 80	
"	Orange,	6 60	
"	Rowan,	15 00	
"	Mecklenburg,	19 00	
"	Martin,	13 00	
"	Surry,	18 00	
"	Person,	8 50	
"	Franklin,	6 00	
"	Pasquotank,	23 00	
			1,242 10

SENATORIAL ELECTIONS.

1844			
August	Paid Sheriff of Cherokee county,		
	holding Senatorial Election,	10 83	
"	Macon,	2 50	
"	Haywood,	9 56	
"	Buncombe,	2 50	
Sept.	Greene,	4 66	
"	Cleveland,	7 50	

1844			
Sept.	Paid Sheriff of Richmond,	7 33	
"	" Ashe,	9 66	
"	" Hyde,	10 86	
"	" Cabarrus,	4 02	
"	" Davie,	4 02	
"	" Perquimons,	6 67	
"	" Carteret,	7 50	
"	" Robeson,	7 16	
"	" Washington,	4 50	
"	" Tyrrell,	5 83	
"	" Columbus,	10 00	
"	" Camden,	3 67	
"	" Currituck,	4 50	
"	" Wilkes,	9 83	
"	" Burke,	6 50	
"	" Yancey,	11 83	
"	" Caldwell,	3 83	
"	" Beaufort,	8 50	
"	" Lenoir,	7 91	
"	" Bladen,	6 80	
"	" Rutherford,	3 66	
"	" Moore,	5 83	
"	" Henderson,	6 17	
"	" Gates,	4 16	
"	" Chowan,	6 16	
"	" Stanly,	6 50	
"	" Montgomery,	7 16	
"	" Jones,	7 83	
"	" Brunswick,	8 33	
"	" Rowan,	4 16	
"	" Surry,	6 66	
"	" Pasquotank,	6 33	
			\$251 42

Total amount of Disbursements, \$141,407 77

The foregoing Statement is founded on Returns filed in the Comptroller's Office, November 1, 1844.

WM. F. COLLINS, *Comp. Pub. Acts.*

COMPTROLLER'S DEPARTMENT, }

November 1, 1844. }

RECAPITULATION OF RECEIPTS SINCE 1st NOV. 1843.

Additional Return of Public Tax 1841,	2 76
Bank Dividends, Bank of Cape Fear,	50 00
Bank Tax, Bank of the State,	2,243 25
Bank Tax, Bank of Cape Fear,	2,389 00
Bank Tax, Merchants' Bank of Newbern,	562 50
Public Tax, Received from Sheriffs, 1844,	78,042 66
Green Hill, for sale of Brick,	6 00
Interest on Wilmington & Raleigh Rail Road Bonds,	1,500 00
	<u>\$84,796 17</u>

RECAPITULATION OF DISBURSEMENTS.

Executive Department,	2,300 00
State Department,	800 00
Treasury Department,	2,000 00
Comptroller's Department,	1,000 00
Adjutant General's Department,	200 00
State Librarian,	300 00
Superintendent of Public Buildings,	260 00
Public Library,	371 40
Interest on Raleigh and Gaston Rail Road Bonds,	47,490 00
Post Office,	320 58
Pensioners,	340 00
Public Printing,	560 00
Principal on Wilmington & Raleigh R'l R'd Bonds,	50,000 00
Council of State,	410 70
Weights and Measures,	391 83
Governor's House,	21 00
Governor's Election,	1,273 21
Sheriffs for Settling Taxes,	1,242 10
Senatorial Elections,	251 42
Judiciary,	29,681 55
Contingencies,	2,193 98
	<u>\$141,407 77</u>

The foregoing Statement is founded on Returns filed in the Comptroller's Office, Nov. 1, 1844.

WM. F. COLLINS, *Compt. Pub. Acts.*

COMPTROLLER'S DEPARTMENT, {
November 1, 1844.



A STATEMENT OF THE REVENUE OF NORTH CAROLINA.

A Statement of the net amount of that branch of the Revenue which is receivable by Sheriffs, for the year 1843.

Name of County.	Sheriff's Name.	Land Tax.	Town Property Tax.	Poll Tax.	Store House Tax.	Gate Tax.	Store Tax.	Town Tax, belonging to Lity Fund.	Redder Tax.	Artificial Curiosity Tax.	Natural Curiosity Tax.	Billiard Table Tax.	Punish on Sheriffs for not making good Return.	Amount due by Sheriffs.	Amount paid by Sheriffs.
		Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	D. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	D. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
Ash	1 George W. Reeves	249 84	8 30	189 30	7 52		32 36	3 76	18 80				1	500 48	500 48
Ashe	2 Joseph White	127 40	18 30	370 03	20 68		105 28	13 80	31 80	8 16			3	1398 47	1397 52
Beaufort	3 John Wood	136 28	12 30	292 78	19 00	9 40	141 80	97 72	61 80				3	1398 47	1397 52
Bertie	4 John Freeman	65 13	10 10	710 85	18 80		99 64	37 80					4	1535 10	1535 10
Bladen	5 George W. Melvin	208 96	5 32	391 43	6 11	9 40	16 92	18 80	84 60				3	801 55	801 55
Brunswick	6 Robert W. Woodliffe	173 17		385 37		4 70	28 50	13 14					3	513 17	513 17
Burke	7 Pierce Roberts	527 57	51 38	240 46	43 66		67 68	11 28	37 60				7	809 43	809 43
Burke	8 John H. Pearson	313 50		221 46	30 68		71 44	37 00	56 40				8	719 97	719 97
Camden	9 Joshua Whitman	103 20	3 64	167 70	3 76		33 50	15 04	56 40				8	719 97	719 97
Caldwell	10 S. Mose	282 81		174 46	28 20		32 70	37 60					10	310 91	310 91
Catawba	11 Andrew P. Daily	233 28		215 45	3 76	4 70	67 68	48 88	37 60				11	611 55	611 55
Chatham	12 Joseph H. Shafford	534 60		361 52	32 09	23 30	24 44	7 32	37 60				13	1001 33	1001 33
Chatham	13 David L. Taylor	123 77	19 51	190 07	3 76		5 76	37 60					13	490 87	490 87
Caswell	14 John K. Brooks	523 25	60 03	843 24	37 60		180 48	67 68			28 20		14	1788 36	1788 36
Chatham	15 Wesley Hanks	372 50	29 70	678 10	43 71		54 52	30 08	37 60				15	1440 21	1440 21
Cherokee	16 John W. Hyatt	103 20		88 98	16 92	4 70	18 80	18 80					16	151 64	151 64
Chowan	17 William D. Rouse	507 60	68 24	573 38			173 90		18 80				17	1037 08	1037 08
Cleveland	18 Charles Blanton	230 78	7 00	268 46	30 61		73 52	33 84					18	656 77	656 77
Cabarrus	19 Lewis B. Kriminger	399 63	17 38	393 66	43 77		56 40	7 32	73 50	28 20			19	1040 96	1040 96
Craven	20 John B. Dixon	289 68		303 16			654 50	76 68	37 60				20	1967 59	1967 59
Cumberland	21 Alexander Johnson	441 21	262 08	648 60	34 78	14 10	757 64	43 88	37 60				21	3248 69	3248 69
Currituck	22 S. D. Dozier	863 09		370 58	3 76		63 30	30 08	56 40				22	646 42	646 42
Dare	23 Samuel B. Roberts	519 48	20 48	490 40			103 25	3 76		38 20			23	1362 89	1362 89
Dare	24 William B. March	271 88		304 13	16 92	9 40	55 40	3 76					24	653 80	653 80
Duplin	25 Edward S. Hesse	562 50	3 30	504 05	8 46		67 68	23 50	94 00				25	1062 79	1062 79
Edgecombe	26 William D. Petway	959 87	34 10	912 05	53 23		304 98	94 00	112 80				26	2333 87	2333 87
Fayette	27 John P. Taylor	200 13		200 13			578 10	48 88					27	1846 20	1846 20
Gates	28 James H. Good	290 13		387 66	13 04		64 60	39 33	57 60				28	841 57	841 57
Graham	29 Joseph R. Ratch	700 73	40 07	1090 04	72 38		122 36	63 92	73 60				29	2320 70	2320 70
Granville	30 Raymond Edmondson	512 28		323 55	21 15		47 00	30 08					30	837 75	837 75
Guilford	31 William S. Dink	388 46		291 68	22 32		13 80			28 20			31	1671 24	1671 24
Guilford	32 William W. Brickell	939 14	54 79	932 14	53 84	23 50	164 30	48 88	79 90				32	3246 69	3246 69
Haywood	33 John B. Allison	303 69	5 56	104 72	7 03	4 70	41 36	7 32					33	374 60	374 60
Hertford	34 Robert Taylor	537 16		120 32	14 10		18 80	18 80					34	434 12	434 12
Hertford	35 Richard G. Cowper	333 85	33 76	664 53			114 68	13 04	18 80				35	876 60	876 60
Hertford	36 Edward Brooks	573 32	39	844 90	11 28	9 40	53 64	33 84	73 50				36	798 87	798 87
Hertford	37 James F. Johnson	503 33	2 14		18 80		77 08	18 80	73 50				37	1292 53	1292 53
Hertford	38 William S. Ballinger	445 61	10 26	492 39	64 86		5 76	37 60					38	1034 38	1034 38
Hertford	39 Riden M. McDaniel	266 74	5 81	276 17			18 20	25 56	56 40				39	646 48	646 48
Hertford	40 John Davis	304 80	19 48	670 59	6 58		20 33	30 08	73 50				40	832 71	832 71
Hertford	41 John R. Stamer	60 83	20 60	583 29	6 58		12 00	56 48	29 60				41	1165 23	1165 23
Hertford	42 Thomas M. Angil	153 31	14 40	119 19	21 15	4 70	20 08	18 80					42	531 29	531 29
Hertford	43 Arthur S. Manning	134 74	14 45	333 32	4 70		105 28	33 84	18 80				43	810 13	810 13
Hertford	44 John M. Carter	173 03		129 10	10 45		65 30	30 08	18 80				44	402 32	402 32
Hertford	45 John Christian	178 45	1 38	129 10	10 45		127 84	56 32	94 00	28 20			45	1582 79	1582 79
Hertford	46 Thos. N. Curtis	193 44	59 09	644 48	38 54		43 12	30 08	18 80				46	680 10	680 10
Hertford	47 Alexander Kelly	245 13	3 54	277 11	5 82	4 70	43 12	30 08	18 80				47	680 10	680 10
Hertford	48 John A. Cooper	211 43	20 31	442 92	14 10		50 16	30 08	18 80				48	1019 66	1019 66
Hertford	49 Owen Penick	353 05	431 09	650 36	16 92	4 70	888 30	90 24	112 80	28 20			49	3026 11	3026 11
Hertford	50 Ethelred J. Peedles	753 03	17 79	64 34	21 05	9 40	82 72	48 88					50	1598 58	1598 58
Hertford	51 John A. Averitt	173 03	13 74	64 34	21 05	9 40	82 72	48 88					51	1598 58	1598 58
Hertford	52 Thomas A. Lorentine	1006 11	71 28	1094 72	118 91		257 48	71 44	130 40				52	3274 84	3274 84
Hertford	53 Job Carver	239 32	24 73	306 35	33 84		141 00	86 48	18 80				53	840 44	840 44
Hertford	54 Nathan Bagby	356 14	18 75	519 20	13 16	9 40	69 36	18 80	56 40				54	872 17	872 17
Hertford	55 John B. Williams	200 13		200 13			50 16	30 08	18 80				55	1017 00	1017 00
Hertford	56 Benjamin M. Selby	500 76	23 40	564 35	21 63		112 04	78 96	94 00				56	1454 39	1454 39
Hertford	57 Isaac White	493 70	8 01	366 35			109 80		56 40				57	1074 73	1074 73
Hertford	58 John L. Knight	560 60	4 99	514 30			70 50		56 40				58	994 18	994 18
Hertford	59 John A. Rowland	278 73	2 50	430 38	31 02		57 60	7 32	73 50			14 10	59	877 21	877 21
Hertford	60 Martin Roberts	303 96		660 63	1 88	4 70	94 00	56 40					60	1319 87	1319 87
Hertford	61 Richard W. Long	725 49	78 85	353 48			109 04	23 56	56 40			14 10	61	1384 50	1384 50
Hertford	62 William Wilkins	508 29	8 32	406 37	17 86		43 12	30 08	56 40				62	1179 45	1179 45
Hertford	63 Amos A. Chesnut	391 64	30 58	504 39	32 43		43 24	23 56	56 40				63	1066 43	1066 43
Hertford	64 Edward W. Davis	177 81		180 32	13 87		28 20	13 04	18 80				64	442 44	442 44
Hertford	65 Leonard Zeller	590 86	46 19	590 86			62 64	69 36					65	1372 86	1372 86
Hertford	66 Henry G. Hampton	447 73	5 43	387 78	35 38		47 00	7 32	56 40				66	973 84	973 84
Hertford	67 John McCleese	184 07		171 64			88 80	7 32	70 50				67	431 43	431 43
Hertford	68 Alex. W. Richardson	280 14		280 14			30 08	3 76	18 80				68	623 07	623 07
Hertford	69 W. Wake	923 14	192 47	600 60	55 93		139 16	30 08	56 40				69	2660 82	2660 82
Hertford	70 Joseph Speed Jones	609 70	17 95	934 55	85 72	18 80	107 16	23 56	56 40				70	1802 84	1802 84
Hertford	71 Robert B. Davis	164 58	23 19	214 32	13 16		117 56	41 36	43 50				71	618 18	618 18
Hertford	72 John C. Smith	709 22	14 16	473 99	32 61		53 40	3 76	56 40				72	1282 61	1282 61
Hertford	73 Abner Carmichael	237 11	9 06	211 13	7 99		31 96	3 76	56 40				73	557 40	557 40
Hertford	74 Thomas Wilson	203 50		134 46	15 63		5 64	11 28					74	300 31	300 31

39,339 64

2,592 66

31,886 55

1,629 21

11,888 00

8,850 54

8,234 86

5,252 40

177 36

56 40

470 00

400 00

80,466 92

80,466 92

39,339 64

2,592 66

31,886 55

1,629 21

11,888 00

8,850 54

8,234 86

5,252 40

177 36

56 40

470 00

400 00

80,466 92

80,466 92

39,339 64

2,592 66

31,886 55

1,629 21

11,888 00

8,850 54

8,234 86

5,252 40

177 36

56 40

470 00

LEGISLATURE OF NORTH CAROLINA:

RALEIGH, NOVEMBER, 1844.

REPORT

OF THE

PUBLIC TREASURER,

ON THE

STATE OF THE FINANCES

OF

NORTH CAROLINA,

TRANSMITTED, ACCORDING TO ACT OF ASSEMBLY

On the 25th November, 1844.

~~~~~  
RALEIGH:

THOS. J. LEMAY, PRINTER FOR THE LEGISLATURE.

1844.



# REPORT.

TREASURY DEPARTMENT OF NORTH CAROLINA.

25th November, 1844.

To the Hon. the General Assembly of the State of North Carolina:

By direction of the act entitled "An Act concerning the Treasurer of the State," the undersigned has the honor of submitting the following Report:

TREASURY DEPARTMENT OF N. C., }  
25th Nov., 1844. }

SIR:

I have the honor herewith to transmit to you, to be laid before the General Assembly, a report prepared in obedience to an Act entitled "an Act concerning the Treasurer of the State."

I have the honor to be,

Very respectfully,

Your faithful servant,

JNO. H. WHEELER,

Public Treasurer.

THE HONORABLE SPEAKER

of the House of Commons.

75 00

30

136 14

68

2,821 63

14 11

4 00

30 00

662 50

7,239 17

2,243 25

Received of D. W. Stone, Cashr of the Bank of Cape Fear, dividend of stock, 30  
Received from the Dep't of State at Washing-  
ton, it being the amount paid by the State  
for transportation of Public Documents,  
(census returns) in a check on New York,  
Sold the same for a premium of 1 per cent  
Received from Treasurer of United States, (pro-  
ceeds of Public Lands), 2,821 63  
Sold draft for a premium of 1 per cent  
Received of Green Hill, for 1 Keg of Powder be-  
longing to the State, 4 00  
Rec'd of David W. Stone, Cashr of the Bank  
of Cape Fear, it being a dividend of 3 per  
cent on 10 shares of stock, 30 00  
Aug. 1 Rec'd of W. W. Clark, Cashr of the Merchants'  
Bank of Newbern, (Bank tax), 662 50  
Rec'd of sundry sheriffs, (public tax), 7,239 17  
Rec'd of Charles Dewey, Cashr of the Bank of  
(the State, (Bank Tax), 2,243 25

June

July

Aug. 1

Sept.

Dec.

1843

Jan.

# REPORT.

## Treasury Department of North Carolina, }

25th November, 1844. }

*To the Hon. the General Assembly of the State of North Carolina :*

By direction of the act, entitled "an Act concerning the Treasurer of the State," the undersigned has the honor of submitting the following Report :

### I. PUBLIC REVENUE AND EXPENSES.

|        |                                                                                                                                                                        |           |
|--------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| 1842   |                                                                                                                                                                        |           |
| 1 Nov. | Balance of cash in Public Treasury, as per Treasurer's report,                                                                                                         | 29,002 66 |
|        | Rec'd of Joshua Roberts, Treasurer of the Buncombe Turnpike Company, in part of dividend due the State,                                                                | 570 86    |
|        | " of Kimboro' Jones, amount of his purchase of materials at sale in completion of the Capitol,                                                                         | 2 75      |
| Dec.   | Rec'd of Wm. Seldon, Treasurer of the United States, it being the Distributive share of N. C. from the Proceeds of the Public Lands,                                   | 23,147 14 |
| 1843   |                                                                                                                                                                        |           |
| Jan.   | Received of Joseph M. Bogle, Sh'ff. of Iredell, an omission of this am't in his settlement of 1841,                                                                    | 75 00     |
|        | Received of D. W. Stone, Cash'r of the Bank of Cape Fear, dividend of stock,                                                                                           | 30        |
| June   | Received from the Dept. of State at Washington, it being the amount paid by the State for transportation of Public Documents, (census returns) in a check on New York, | 136 14    |
|        | Sold the same for a premium $\frac{1}{2}$ per cent.                                                                                                                    | 68        |
|        | Received from Treasurer of United States, (proceeds of Public Lands,)                                                                                                  | 2,821 63  |
|        | Sold draft for a premium $\frac{1}{2}$ per cent.                                                                                                                       | 14 11     |
| July   | Received of Green Hill, for 1 Keg of Powder belonging to the State,                                                                                                    | 4 00      |
|        | Rec'd of David W. Stone, Cash'r of the Bank of Cape Fear, it being a dividend of 3 per cent. on 10 shares of stock,                                                    | 30 00     |
| Aug. 1 | Rec'd of W. W. Clark, Cash'r of the Merchants' Bank of Newbern, (Bank tax,)                                                                                            | 562 50    |
|        | Rec'd of sundry sheriffs, (public tax,)                                                                                                                                | 7,239 17  |
| Sept.  | Rec'd of Charles Dewey, Cash'r of the Bank of the State, (Bank Tax,)                                                                                                   | 2,243 25  |



|       |                                                                                                                            |              |
|-------|----------------------------------------------------------------------------------------------------------------------------|--------------|
| 1843  |                                                                                                                            |              |
| Oct.  | Rec'd of D. W. Stone, Cash'r of the Bank of Cape Fear, (Bank Tax)                                                          | 2,389 00     |
|       | Rec'd of sundry sheriffs, (Public Tax,)                                                                                    | 70,429 77    |
|       | " of same for additional returns                                                                                           | 80 11        |
|       | " of Willie Jones, late sh'ff of Buncombe, (additional returns)                                                            | 21 13        |
|       | " of Leonard Ziglar, late sh'ff of Stokes,                                                                                 | 17 89        |
| Dec.  | " S. Stone, late sheriff Stokes,                                                                                           | 2 76         |
| 1844  |                                                                                                                            |              |
| Jan.  | Rec'd of D. W. Stone. Cash'r of Bank of Cape Fear, dividends,                                                              | 30 00        |
| June  | " of same for same,                                                                                                        | 20 00        |
|       | Rec'd of Green Hill, sale of Bricks,                                                                                       | 6 00         |
| July  | " of Jas. S. Green, Treasurer of the Wilmington & Raleigh Rail Road Co. int. on the Bonds paid by the State 1st Jan. 1844, | 1,500 00     |
| Aug.  | This amt. rec'd from sundry sheriffs, Public Tax of 1843 in this month,                                                    | 6,391 92     |
|       | " Merchants' Bank of Newbern, (Bank Tax)                                                                                   | 562 50       |
| Sept. | " Sundry sheriffs, tax of 1843,                                                                                            | 71,650 74    |
|       | " Charles Dewey, Cash'r of Bank of the State of N. C., bank tax,                                                           | 2,243 25     |
| Oct.  | " D. W. Stone, Cash'r of Bank of Cape Fear, bank tax,                                                                      | 2,389 00     |
|       | Making an aggregate of                                                                                                     | \$223,613 96 |

## CR.

The expenditures from the Public Fund for the same period, that is, from the first day of November, 1842, to the 1st day of Nov. 1844, consist of the following items; and "for the enumeration of the several allowances and drafts made by the General Assembly, and warrants issued by the Governor, upon which these disbursements were made, as well as in whose favour they were made or drawn, and upon what account," the Treasurer, respectfully, according to the usage of the Department, refers to the report of the Comptroller, communicated to this session of this General Assembly, and to the vouchers filed by me at the end of each month in that Department, which will support each and every charge.

This amt. transferred from this fund to the Literary Fund, by resolution of the General Assembly, it being the amt. received by this State from the General Government as her distributive share of the proceeds of the sales of the public lands,

\$23,147 14  
42,893 98

|                                                    |              |
|----------------------------------------------------|--------------|
| Executive Department,                              | 4,600 00     |
| Treasury Department,                               | 4,013 74     |
| State Department,                                  | 1,600 00     |
| Comptroller's Department,                          | 2,000 00     |
| Adjutant General,                                  | 400 00       |
| Judiciary,                                         | 57,163 95    |
| Superintendent of Public Buildings,                | 520 00       |
| Public Library and Public Librarian,               | 1,091 30     |
| Public Printing,                                   | 3,932 62     |
| Pensioners,                                        | 1,145 00     |
| Interest on Raleigh & Gaston Rail Road Bonds,      | 90,374 00 ✓  |
| Principal on Wilmington & Raleigh Rail Road Bonds, | 50,000 00    |
| Post Office,                                       | 749 05       |
| Council of State,                                  | 538 10       |
| Governor's House,                                  | 104 35       |
| Weights and Measures,                              | 577 19       |
| Stationery,                                        | 167 54       |
| State Papers (Census),                             | 136 14       |
| Sheriffs for settling taxes,                       | 2,453 81     |
| “ “ comparing Congressional Elections,             | 730 47       |
| “ “ “ Senatorial Elections,                        | 255 58       |
| “ “ Governor's Election,                           | 1,273 21     |
| Contingencies,                                     | 4,531 51     |
| State Capitol,                                     | 16 55        |
| Treasury Notes Burnt,                              | 153 70       |
| Making an aggregate of                             | \$294,568 93 |
| from which the amount of receipts being deducted,  | 223,613 96   |
| leaves due Public Treasurer, on 1st Nov. 1844,     | \$70,954 97  |

## II. LITERARY FUND.

|                                                                                                                                                               |             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| To balance of cash in the hands of the Public Treasurer, as Treasurer of the Literary Board, on the 1st Nov. 1842, (See Treasurer's Report to last Assembly,) | \$57,998 30 |
| To receipts at the Treasury of monies belonging to this fund for the last two fiscal years ending 31st Oct., 1844, are as follows:                            |             |
| Cash received for entries of vacant land in 1842. Rec'd in November,                                                                                          | \$698 53    |
| December,                                                                                                                                                     | 1,814 81    |
|                                                                                                                                                               | 2,513 34    |



|       |                                                   |           |             |
|-------|---------------------------------------------------|-----------|-------------|
| 1843, | January, by C. L. Hinton, Agt.,                   | 510 30    |             |
|       | Do. by Treasurer,                                 | 484 41    |             |
|       | February,                                         | 128 75    |             |
|       | March,                                            | 131 32    |             |
|       | April,                                            | 63 10     |             |
|       | May,                                              | 379 78    |             |
|       | June,                                             | 22 73     |             |
|       | July,                                             | 699 90    |             |
|       | August,                                           | 79 34     |             |
|       | September,                                        | 342 49    |             |
|       | October,                                          | 260 20    |             |
|       | November,                                         | 71 02     |             |
|       | December,                                         | 208 89    |             |
|       |                                                   |           | 3,382 23    |
| 1844, | January,                                          | 408 68    |             |
|       | February,                                         | 597 33    |             |
|       | March,                                            | 225 32    |             |
|       | April,                                            | 215 96    |             |
|       | May,                                              | 199 94    |             |
|       | June,                                             | 162 42    |             |
|       | July,                                             | 343 77    |             |
|       | August,                                           | 214 52    |             |
|       | September,                                        | 265 72    |             |
|       | October,                                          | 237 29    | 2,870 95    |
|       |                                                   |           | \$66,764 82 |
| 1842  |                                                   |           |             |
| Nov.  | Received of Jos. S. Fowler, Auctioneer of Cra-    |           |             |
|       | ven county, in full of his tax on auction         |           |             |
|       | sales for 1842,                                   |           | 22 91       |
| Dec.  | " of Gov. Morehead, President ex officio of       |           |             |
|       | the Literary Board, it being amt. of princi-      |           |             |
|       | pal paid on loans made by said Board,             | 1,587 17  |             |
|       | " of same, int. on same,                          | 344 74    |             |
| 1843  |                                                   |           |             |
| Jan.  | " of same, int. on loans made by Board of In-     |           |             |
|       | ternal Improvement,                               | 528 00    |             |
|       | This amt. transferred to this Fund, from the Pub- |           |             |
|       | lic Fund by resolution of the Gen'l Assem-        |           |             |
|       | bly, it being the amt. rec'd from the U. S.       |           |             |
|       | as proceeds of sales of the Public Lands,         | 23,147 14 |             |
|       | " of Charles Dewey, Cash'r of Bank of the         |           |             |
|       | State, it being a dividend of 3 per cent. de-     |           |             |
|       | clared on 5000 shares of stock held by the        |           |             |
|       | President & Directors of this Fund in the         |           |             |
|       | Capital Stock of said Bank,                       | 15,000 00 |             |
|       | " of D. W. Stone, Cash'r of the Branch Bank       |           |             |
|       | of Cape Fear at Raleigh, being a dividend         |           |             |

|       |                                                                                                                                                                     |           |
|-------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| 1843  | of 3 per cent. declared on 5,322 shares of stock held in said Bank by the President & Directors of this Fund,                                                       | 15,966 00 |
| April | Rec'd of Gov. Morehead, President ex officio of Lit. Board, being principal on loans by the said board,                                                             | 10,656 92 |
| "     | of same, as principal rec'd from loans made by the Board from the School Fund (not distributed,)                                                                    | 1,250 00  |
| "     | Interest on Bonds of the Wilmington & Raleigh Rail Road Co. held by said Board, guaranteed by the State,                                                            | 2,550 00  |
| "     | of same, being this amt. rec'd of the State, as interest on Raleigh & Gaston Rail Road Co's bonds guaranteed by the State, held by said Board,                      | 9,888 00  |
| "     | same, interest on loans made by the Board,                                                                                                                          | 3,124 43  |
| "     | same, interest on loans made by the Board of Internal Improvement,                                                                                                  | 169 76    |
| June  | " same, principal on loans,                                                                                                                                         | 2,183 82  |
|       | Interest on same,                                                                                                                                                   | 665 86    |
| July  | This amt. rec'd of A. Joyner, President of the Roanoke Navigation Co. being a dividend of 1 per cent. on 500 shares of stock held in said Company by the State,     | 500 00    |
| "     | Chas. Dewey, Cash'r of Bank of the State, it being dividend No. 16 on the stock in said Bank held by the President and Directors of the Literary Fund,              | 16,337 75 |
| "     | D. W. Stone, Cash'r of Branch Bank of Cape Fear, dividend on the stock held in said Bank by Pres. and Directors of Lit'y Fund,                                      | 15,966 00 |
| "     | Gov. Morehead, Pres. ex officio of the Lit. Board, for interest received of the State for the bonds held by said Board of the Raleigh and Gaston Rail Road Company, | 4,959 00  |
| Aug.  | " of sundry Sheriffs, tax on retailers of spirituous liquors,                                                                                                       | 169 20    |
| Sept. | " Same,                                                                                                                                                             | 2,137 56  |
| "     | of Robt. Gant, auctioneer of Lincoln, being amt. of his tax on auction sales,                                                                                       | 1 39      |
| "     | of Gov. Morehead, Pres. ex officio of Lit. Board, interest on loans by said Board,                                                                                  | 1,525 11  |
| "     | same, as principal on loans,                                                                                                                                        | 736 02    |
| Oct.  | of sundry auctioneers,                                                                                                                                              | 421 01    |
| 1844  |                                                                                                                                                                     |           |
| Jan.  | " of Charles Dewey, Cash'r of Bank of                                                                                                                               |           |



| 1844  |                                                                                                                                                                                               |
|-------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Jan.  | State, it being a dividend of 3 per cent. on 5,027 shares of stock in said Bank, held by Pres. and Directors of Lit. Fund, 15,081 00                                                          |
|       | Rec'd of D. W. Stone, Cashier of Branch B'k of Cape Fear, as above, 15,966 00                                                                                                                 |
|       | " of Gov. Morehead, Pres. ex off. of Lit. Bd., being int. paid by the Wilmington and Raleigh Rail Road Co. on the bonds held by the Literary Board, guaranteed by the State, 10,530 00        |
|       | " of same, being the int. paid by the State on the bonds of the Raleigh and Gaston Rail Road Co. held by said Board, guaranteed by the State, 4,959 00                                        |
|       | " of same, being principal on loans made by said Board, 7,754 13                                                                                                                              |
|       | " same, as interest on same, 1,950 86                                                                                                                                                         |
|       | " of same, it being the amercement of R. W. Long, Sheriff of Rowan, 100 00                                                                                                                    |
| April | " of same, principal on loans made, 4,449 83                                                                                                                                                  |
|       | interest on same, 1,132 89                                                                                                                                                                    |
|       | Same on same by Bd. of Internal Improvement, 870 58                                                                                                                                           |
|       | Sales of Shingles, 545 73                                                                                                                                                                     |
| May   | " of David W. Stone, Cash'r of Branch Bank of Cape Fear, it being a dividend on 5322 shares of stock held in said Bank by the Pres. and Direct's of Lit. Board, 10,644 00                     |
|       | " of Geo. McNeil, Agent of Cape Fear Navigation Co., in part pay't of a decree not yet final in the Supreme Court, Attorney Gen'l vs. Pres. and Direct's of Cape Fear Navigation Co. 1,200 00 |
| June  | " of same, it being dividend No. 19 on 650 shares of stock held in said Co. by the State, 650 00                                                                                              |
| July  | " of same, dividend of 1½ per cent. 750 00                                                                                                                                                    |
|       | " of Chas. Dewey, Cash'r of Bank of the State, dividend No. 18, on 5,027 shares of stock in said bank, held by Presid't and Directors of Lit. Fund. 16,337 75                                 |
|       | " of Gov. Morehead, President ex officio of Lit. B'd, Principal on loans, 9,018 99                                                                                                            |
|       | " of same, Interest on loans, 1,380 62                                                                                                                                                        |
|       | " " it being amt. paid by Wil. & Ral. Rail Road Co. as interest on their bonds held by said Board, guaranteed by the State, 6,660 00                                                          |
|       | " same, it being amt. paid by the State to said Board as interest on Bonds of the Raleigh                                                                                                     |

|                   |                                                                               |                     |
|-------------------|-------------------------------------------------------------------------------|---------------------|
| 1844              | & Gaston Rail Road Co. endorsed by the State,                                 | 4,959 00            |
| Aug.              | " Tavern tax, of sundry Sheriffs                                              | 150 40              |
|                   | " this sum transferred from Public Fund for notes of G. E. Badger and others, | 890 21              |
| Sept.             | " Tavern tax rec'd of sundry Sheriffs,                                        | 2,273 86            |
|                   | " Gov. Morehead, Pres. ex officio of Literary Board, principal on loans,      | 733 17              |
|                   | " of same, Interest on same,                                                  | 213 31              |
|                   | " " " " loans by Board of Int. Improvement,                                   | 150 00              |
| Oct.              | " Auction tax of sundry Auctioneers,                                          | 505 87              |
| Making the sum of |                                                                               | <u>\$316,459 81</u> |

The Disbursements of the Literary Fund for the same period are as follows:

|                                               |                  |  |
|-----------------------------------------------|------------------|--|
| Paid for support of Common Schools, for 1842, |                  |  |
| Nov.                                          | 7,994 15         |  |
| Dec.                                          | 3,428 00         |  |
|                                               | <u>11,422 15</u> |  |

1843

|            |                  |  |
|------------|------------------|--|
| Jan.       | 3,093 21         |  |
| March,     | 1,213 80         |  |
| April,     | 3,340 00         |  |
| May,       | 17,649 21        |  |
| June,      | 4,543 00         |  |
| July,      | 416 00           |  |
| August,    | 3,260 69         |  |
| September, | 11,582 31        |  |
| October,   | 1,326 70         |  |
| November,  | 30,042 21        |  |
| December   | 6,795 94         |  |
|            | <u>83,263 07</u> |  |

1844

|            |           |                     |
|------------|-----------|---------------------|
| January,   | 1,031 26  |                     |
| February,  | 4,971 53  |                     |
| March,     | 1,899 89  |                     |
| April,     | 1,107 00  |                     |
| May,       | 17,306 00 |                     |
| June,      | 3,410 00  |                     |
| July,      | 8,099 20  |                     |
| August,    | 3,066 36  |                     |
| September, | 14,131 76 |                     |
| October,   | 26,036 35 | 81,059 35           |
|            |           | <u>\$175,744 57</u> |



|       |                                                                                                                                                                               | Amt. paid for expenses of Literary Board,                                                                                                                                                          |            |
|-------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| 1842  | November,                                                                                                                                                                     | 41 25                                                                                                                                                                                              |            |
|       | December,                                                                                                                                                                     | 26 00                                                                                                                                                                                              |            |
|       |                                                                                                                                                                               |                                                                                                                                                                                                    | 67 25      |
| 1843  | January,                                                                                                                                                                      | 382 00                                                                                                                                                                                             |            |
|       | April,                                                                                                                                                                        | 180 00                                                                                                                                                                                             |            |
|       | July,                                                                                                                                                                         | 251 30                                                                                                                                                                                             |            |
|       | October,                                                                                                                                                                      | 141 00                                                                                                                                                                                             |            |
|       |                                                                                                                                                                               |                                                                                                                                                                                                    | 954 30     |
| 1844  | February,                                                                                                                                                                     | 509 55                                                                                                                                                                                             |            |
|       | April,                                                                                                                                                                        | 180 00                                                                                                                                                                                             |            |
|       | July,                                                                                                                                                                         | 168 00                                                                                                                                                                                             |            |
|       | October,                                                                                                                                                                      | 267 00                                                                                                                                                                                             | 1,124 55   |
|       |                                                                                                                                                                               |                                                                                                                                                                                                    | \$2,146 10 |
| 1842  |                                                                                                                                                                               |                                                                                                                                                                                                    |            |
| Nov.  | This amt. paid A. C. Dickinson, pr. Gov's warrant and order of the Literary Board for experimental farm, getting shingles, and excavating the tributaries of Alligator Canal, |                                                                                                                                                                                                    | 12,000 00  |
|       | "                                                                                                                                                                             | paid loan to Thos. Meredith, from this fund, as pr. warrant of Gov. and order of Literary Board,                                                                                                   | 225 00     |
| Dec.  | "                                                                                                                                                                             | Amt. of Land receipts granted and charged to Treasurer of this fund but warrants not taken out or paid for,                                                                                        | 13 00      |
|       | "                                                                                                                                                                             | pd. Thos. J. Lemay, for printing,                                                                                                                                                                  | 26 00      |
| 1843  |                                                                                                                                                                               |                                                                                                                                                                                                    |            |
| Feb.  | "                                                                                                                                                                             | Cash paid to sundry holders of the bonds of the Wilmington & Raleigh Rail Road, due 1st Jan. 1843, and endorsed by the State as directed by act of last session, ch. LIX, ratified 17th Jan. 1843, | 50,000 00  |
|       | "                                                                                                                                                                             | Cash paid Israel E. James, agent of National Intelligencer, for publishing the sales of Swamp Lands, as ordered by Literary Board and pr. warrant of Gov.,                                         | 28 50      |
|       | "                                                                                                                                                                             | Cash pd. Pryor Reynolds, to pay the subscription to the Farmer's Register, pr. order of Lit. Board,                                                                                                | 10 00      |
| March | "                                                                                                                                                                             | p'd Gov. Morehead, being the amount (principal and interest) of note of Geo. E. Badger and David W. Stone, due Literary Board,                                                                     |            |

|                                                                       |                                                                                                                                                            |              |
|-----------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| 1843                                                                  | as per resolution of last Legislature, ratified 21st Jan. 1843,                                                                                            | 688 00       |
|                                                                       | " Cash pd. same, credited on J. M. Mason's note, as per resolution of last Legislature, ratified 23d Jan. 1843,                                            | 202 21       |
| April                                                                 | " Cash pd. Margaret A. McPheeters, for 27 shares of stock in Bank of the State, per order of said Board,                                                   | 2,700 00     |
|                                                                       | " Cash pd. loan to Wm. F. Collins and others, from the Common School Fund,                                                                                 | 650 00       |
|                                                                       | " Cash pd. A. C. Dickinson, for Maj. Gwynn, to defray his expenses as Engineer to examine the tributaries of Alligator Canal, by order of the Board,       | 70 00        |
|                                                                       | " Cash pd. A. C. Dickinson, for work done on tributaries of Alligator Canal, as per order of Lit. Board.                                                   | 1,500 00     |
| May                                                                   | " Cash paid Pryor Reynolds, Secretary, to pay James W. Satchwell & others as pr. resolve of last Legislature, ratified 25th Jan. 1843,                     | 30 00        |
| July                                                                  | " cash pd. Gov. Morehead & R. S. Myers for getting shingles in swamp lands, as pr. order of the Board and warrant of the Gov.                              | 104 00       |
| Aug.                                                                  | " pd. A. C. Dickinson, contractor, for work done on Alligator Canal as pr. same,                                                                           | 3,018 43     |
| Oct.                                                                  | " pd. D. W. Stone to meet expenses in getting shingles as pr. order of Board and warrant of Gov.                                                           | 300 00       |
| Nov.                                                                  | " cash pd. P. Reynolds, for subscription to the North American Review as pr. order of Board,                                                               | 5 00         |
|                                                                       | " cash paid W. W. Holden for publishing nett proceeds of Literary Fund as pr. same,                                                                        | 14 00        |
| Dec.                                                                  | " this amount paid to R. Deaver for his note discounted as loan from this Board as pr. order of same,                                                      | 2,500 00     |
| 1844                                                                  |                                                                                                                                                            |              |
| June                                                                  | " cash paid Pryor Reynold, Sec., to pay Editors of Highland Messenger for publication of distribution of the Common School Fund as pr. order of the Board, | 2 00         |
| July                                                                  | " cash pd. A. C. Dickinson for building bridges and removing stumps in Pungo Lake as pr. order of Board,                                                   | 180 00       |
| Making an aggregate of which deducted from the receipts leaves a bal- |                                                                                                                                                            | \$252,130 41 |



ance in hands of the Public Treasurer as  
Treasurer of the Literary Fund of \$64,329 40

### III. FUND FOR INTERNAL IMPROVEMENT.

|        |                                                                                                                                                        |           |  |
|--------|--------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|--|
| 1842   |                                                                                                                                                        |           |  |
| Nov. 1 | The balance of cash in the Treasury to the credit of this Fund (see report of Treasurer to last Assembly)                                              | 20,429 66 |  |
|        | Cash received of Jacob Siler, Agent for collection of Cherokee bonds, for sales of 1838,                                                               | 808 98    |  |
|        | " recd. of J. S. Dillard and others, Justices of Haywood Co. in part payment of bonds of said Dillard and others for lands,                            | 400 00    |  |
| Dec.   | " cash received of Gov. Morehead, Pres. ex-officio of the Board for Int. Imp. being principal on bonds discounted by said Board,                       | 1,200 00  |  |
|        | " cash received of Jacob Abernathy, purchase of Cherokee lands, 1838,                                                                                  | 40 00     |  |
| 1843   |                                                                                                                                                        |           |  |
| Jan.   | " cash received of David W. Stone, Cashr. of Branch Bank of Cape Fear, dividend of 3 pr. cent. on 112 shares of stock in said B'k. held by this Board, | 336 00    |  |
|        | " cash recd. of Genl. E. Jones, being part of 3d instalment on bond for Cherokee lands (sale of 1838,)                                                 | 150 00    |  |
|        | " Cash rec'd of Abraham Harshaw, for Cherokee lands, (sale of 1838,)                                                                                   | 155 73    |  |
| April  | " recd. of Gov. Morehead, Pres. &c. principal on loans by the Board,                                                                                   | 2,750 00  |  |
|        | " of Jacob Siler, Agt. pr. D. L. Swain,                                                                                                                | 250 00    |  |
| May    | " received of the Admr. of Nelson A. Strange, for purchase of Cherokee lands,                                                                          | 800 00    |  |
| June   | " of Jacob Siler, Agt. (sales of 1838) Cherokee bonds,                                                                                                 | 962 00    |  |
| July   | " of David W. Stone, Cashr. of Branch Bk. of Cape Fear, dividend of 3 pr. cent. on 112 shares of stock held in said Bk. by this Board.                 | 336 00    |  |
| Aug.   | " rec'd of Edmund Jones, Cherokee land sales of 1838, by hand of S. F. Patterson,                                                                      | 150 00    |  |
|        | " rec'd of Jacob Siler, Agt., by hand of D. L. Swain,                                                                                                  | 185 00    |  |
|        | " of Jacob F. Abernathy, for sales of Cherokee lands, (sales of 1838)                                                                                  | 73 00     |  |
| Sept.  | " of John Sudderth, being in full for bonds given for purchase of Cherokee lands, sales                                                                |           |  |

|       |   |                                                                                                                       |                   |
|-------|---|-----------------------------------------------------------------------------------------------------------------------|-------------------|
| 1843  |   | of 1838, No. 3, Tract No. 124, bought by Wm. A. Thomas,                                                               | 57 60             |
| Nov.  | " | of David Corpening, for 3d instalment, tract No. 11, District, No. 2, \$44 15<br>4th Do. Cherokee bonds, 42 80        | 86 95             |
|       | " | of same, for part of 2d instalment of tract No. 12, District 2,                                                       | 915 05            |
|       | " | of Jacob Siler, Agent,                                                                                                | 903 35            |
|       | " | " T. L. Clingman, Attorney,                                                                                           | 244 00            |
| 1844  |   |                                                                                                                       |                   |
| Jan.  | " | of D. W. Stone, Cash'r of Branch Bank of Cape Fear, dividend on 112 shares, held in stock of said Bank by this Board, | 336 00            |
|       | " | of Edmund Jones, by hands of Sam'l F. Patterson, part on his bonds given for Cherokee lands, (sales of 1838)          | 150 00            |
| Feb.  | " | of Jacob Siler, agent &c., Cherokee bonds,                                                                            | 2,088 32          |
| March | " | of same,                                                                                                              | 7,600 60          |
| April | " | of same,                                                                                                              | 1,668 89          |
|       | " | of same,                                                                                                              | 661 68            |
|       | " | of Gov. Morehead, Pres. &c., as principal on loans made by this Board,                                                | 4,834 80          |
| May   | " | of D. W. Stone, Cash'r of Branch Bank of Cape Fear, dividend on 117 shares of stock held by this Board in said Bank,  | 224 00            |
|       | " | of S. F. Patterson, Adm'r of E. Jones, for purchase of Cherokee lands, sales of 1838,                                 | 200 00            |
| June  | " | Received of John Tatum, in full of 2d, 3d and 4th instalment of bonds given, Cherokee bonds, (sales of 1838)          | 477 06            |
| July  | " | Jacob Siler, Agent,                                                                                                   | 350 30            |
| Aug.  | " | Samuel Tate,                                                                                                          | 1,087 79          |
|       | " | John Sudderth,                                                                                                        | 400 00            |
|       | " | Jacob F. Abernathy, for Cherokee lands,                                                                               | 450 00            |
| Sept. | " | Thos. L. Clingman, Attorney for collection of Cherokee bonds,                                                         | 400 00            |
| Oct.  | " | Jacob Siler, Agent for collection of same,                                                                            | 1,363 03          |
|       |   |                                                                                                                       | <hr/> \$53,525 79 |

The expenditures of the last two fiscal years are as follows:

|      |                                                                        |       |  |
|------|------------------------------------------------------------------------|-------|--|
| 1842 |                                                                        |       |  |
| Dec. | Paid expenses of Board of Internal Improvement, as per order of Board, | 77 80 |  |
| 1843 |                                                                        |       |  |
| Jan. | Cash paid Stephen Birdsall, clerk of Board,                            | 72 00 |  |



|       |   |                                                                                                                                                                                        |                  |
|-------|---|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| 1843  |   |                                                                                                                                                                                        |                  |
| March |   | Paid Gov. Morehead, Pres. &c. for proceeds of loan to Jane Craig and others, as per order of Board,                                                                                    | 200 00           |
| June  |   | Pd. L. E. De Rosset's note, discounted by order of Board,                                                                                                                              | 1,314 23         |
| Sept. |   | Pd. Thos. L. West, Clerk of this Board, as per warrant of Gov.                                                                                                                         | 120 00           |
| 1844  |   |                                                                                                                                                                                        |                  |
| Feb.  | " | pd. Pryor Reynolds, to remit to E. Draper, of Philadelphia, for repairs of Mathematical Instruments used in the survey of Nagg's Head, as per order of Board,                          | 106 75           |
|       | " | pd. same, for expenses of said Board, as per warrant of Board,                                                                                                                         | 169 00           |
|       | " | pd. Thos. L. West, Clerk, as per order of Bd.                                                                                                                                          | 225 00           |
| Aug.  | " | pd. do. as Clerk,                                                                                                                                                                      | 75 00            |
|       |   |                                                                                                                                                                                        | <hr/> \$2,359 78 |
|       |   | which deducted from the receipts, leaves a balance in the hands of the Public Treasurer, as Treasurer of the Fund of Internal Improvement, on the 1st day of Nov. 1844, of \$51,166 01 |                  |

All the disbursements made at the Treasury department during the two last fiscal years, it is believed, are sustained by legal and appropriate vouchers filed at end of each month in the Comptroller's Office.

### RECAPITULATION.

The foregoing statements show the balance of the different funds on 1st Nov. 1844.

|                                          |             |           |
|------------------------------------------|-------------|-----------|
| Balance due Public Treasurer,            |             | 70,954 97 |
| Do. due Literary Fund,                   | 64,329 40   |           |
| Do. due Fund of Int. Imp.                | 51,166 01   |           |
|                                          | <hr/>       |           |
|                                          | 115,495 41  |           |
| Deduct balance due                       | 70,954 97   |           |
|                                          | <hr/>       |           |
|                                          | \$44,540 44 |           |
| Add check to D. W. Stone out and unpaid, | 10,952 75   |           |
|                                          | <hr/>       |           |
|                                          |             | 55,493 19 |

Which amount of money is disposed of as the law directs, in the following manner, to wit:

|                                                           |             |
|-----------------------------------------------------------|-------------|
| Deposited in Bank of the State of N. C.                   | 34,544 36   |
| " Bank of Cape Fear,                                      | 19,146 63   |
| Worn out Treasury notes,                                  | 49 06       |
| Checks on hand for auction tax and cash, & cash vouchers, | 1,753 14    |
|                                                           | <hr/>       |
|                                                           | \$55,493 19 |

On an examination of the foregoing, it will be seen by the General Assembly that while the Literary Fund, and the Fund for Internal Improvements, are in a healthful condition, that the Public Fund is in debt to these Funds, and that a balance is due the Public Treasurer at this time of seventy thousand, nine hundred and fifty-four 97-100 dollars, (70,954 97-100 dollars.)

The last Legislature, anticipating demands upon the Treasury beyond its resources, authorized the Treasurer to borrow a sum, not exceeding fifty thousand dollars at 6 per cent interest. By using the funds in the Treasury belonging to the Literary Fund and the Internal Improvement Fund, all just demands upon the State have been promptly met, and, that too, at a period of extreme pressure, without using the power conferred by the General Assembly. It is therefore returned to the source from whence it emanated, without any debt being contracted, and no claim unsatisfied.

One of the first objects that necessarily engages the attention of the Legislature, is the condition of the Public Treasury. From time to time, by my predecessors in office, has the fact been brought to the attention of the Legislature, that from some cause or other, the public revenue is annually decreasing, while the liabilities of the State but too sensibly remind us that her expenditures are annually increasing. There is no subject to which the enquiring mind of public



opinion is more anxiously directed, and therefore demands the earnest deliberations of the representatives of the people. The revenues of a State constitute the important element which affords life and vigour to every part and member of its political system. It is important, then, that the source from whence this element is derived should be as pure as possible, and that the mode of assessing the Taxes, and the manner of collection should be fair and equitable, and that every part of the community should contribute its just proportion to support the Government that affords them its constant and beneficent protection to life, liberty and property. (It is believed by this department, that the root of much evil lies here, in the mode of assessing the taxes.) The present mode of requiring the inhabitants of each district, in every county, to return on oath to the Justices appointed to take the list, their taxable property, the valuation of which was fixed by\* "the Board of valuation" in 1837, or † by the Court on application of the person liable to the tax, is defective. For, while it is believed that much valuable land is omitted, it places the citizen in a position rarely enviable, of being in a great degree a witness and the judge in a case where he has a deep, immediate, and abiding interest. That the lands of North Carolina are not correctly assessed, is evident, from the fact under the Assessment of 1836 for State tax of 1837, the Lands of the State were valued at 51,052,586 dollars, and actually paid a tax into the Treasury in 1837 of \$29,323 04; and since that period, several thousand acres have been entered as vacant Lands and patented, as well as a large amount purchased at the Cherokee Land sales; yet the present year the amount paid from this source amounts to only \$29,329 64; nearly the same as it was seven years ago, while the subject matter of the tax has by no means diminished, but, on the contrary, constantly increased.

These facts are stated and suggestions made only for the purpose of drawing the attention of the General Assembly to this important matter, and to secure for the State a faithful, *uniform* and fair mode of assessing the Lands of the State, which will afford a more adequate revenue for its support.

The chief embarrassments which immediately press the Treasury, as you are advised in the message of the Governor, arise from her connexion with the Rail Roads. The foregoing report will show that I have already paid for the Wilmington and Raleigh Road, as principal,

50,000 dollars of this by the Literary board,  
For the Raleigh and Gaston Rail Road, interest, 100,000

90,374  
\$194,374

\*Revised Statutes 519.

†Act 1839, ch. cxxxvi.

---

|                                                                   |           |
|-------------------------------------------------------------------|-----------|
| There will fall due, on the 1st day of January next, for the Wil- |           |
| mington and Raleigh Rail Road,                                    | 50,000 00 |
| For Raleigh and Gaston Rail Road (principal,)                     | 30,000 00 |
| Same as interest,                                                 | 23,565 00 |

---

\$103,565 00

And in the course of the current years, before the next Assembly can convene, the above sum of

\$103,565 00

must be raised, and also

For the Raleigh and Gaston Rail Road, interest 1st

July '45, 22,665 00

Same, interest 1st Jan. '46, 22,665 00

Same, principal, 30,000 00

Same, interest July '46 about 21,765 00

For the Wilmington and Raleigh Rail Road Jan. '46 50,000 00

---

\$250,660 00

Add to this amt. due Lit. and Int. Imp. Funds, if desirable to be replaced,

70,954 97

Making the sum total

\$321,614 97

The facts and figures are stated, the ways and means are with you.

An act was passed by your last honourable body, entitled "An Act for the relief of the purchasers of Cherokee Land," Chapter LVI. By this act, the further collection of the principal money now due, was suspended for the term of two years after 1st. January, 1843, provided the interest was paid. I regret that, from circumstances not known to this Department, the provisions of this act was not in all cases complied with. The Act also stated that all persons failing or refusing to make said payment within 20 days after the expiration of the specified time, "shall and may be proceeded against under the same rules and regulations heretofore prescribed by law."

The agent in whose hands a large portion of these bonds is, and whose duty is to report monthly to this Department and "to guard and protect the general interest of the State," early applied to this office for instructions relative to the execution of this law. In order to secure a faithful compliance with the law, by an apprehension of its penalty, he was instructed that as the law protected those who did pay the interest from suits, that the converse was to be inculcated, that those who did not pay would be sued. This was attended with salutary consequences; for his returns for one month (March) shows a receipt of 7,600 dollars, and in a period of three months, 11,366 dollars were collected. When the period arrived at which it was expected suits would be brought, (1st January 1844) it was represented from sources entitled to confidence and respect, that the money was not in the country; nor was there property to bring it; that if the State forced sales many would leave the State, as already some had done, with their personal property; that the State had already



received a part of the purchase money, and still had the land as security for the balance; that the lands were receiving improvements of a durable and important character; that they had been sold at a most prosperous period for extravagant prices; and that, last and not least, the law was not *mandatory*, but vested discretion in this department, by stating that "the debtors shall or *may* be proceeded against under the same rules and regulations heretofore prescribed." There were no rules or regulations requiring this office to enforce a measure which could not terminate to the general welfare of the State, but must prove most disastrous to the debtors. I did not feel it to be my duty to direct that suits should be brought indiscriminately, but only in such cases where the debtors were removing, or doubtful, leaving the matter to be reported to your honourable body, to whose supervision it appropriately belongs.

The act of the last Legislature also directed me to make out a fair statement of the amounts due on each bond, the names of the debtors and the amounts due on each, with the interest calculated to 1st Jan. 1844, and the list to be forwarded to the agent for collection of Cherokee bonds. That duty has been performed, the list forwarded, the duplicate herewith transmitted marked AC.

From it you will see that there is due the State, on bonds in this office at that time, from the debtors on Cherokee bonds, sales of 1838,

|                                   |              |
|-----------------------------------|--------------|
| as Principal                      | \$87,771 30  |
| Interest                          | 24,059 06    |
|                                   | <hr/>        |
|                                   | \$211,830 36 |
| In hands of agent, sales of 1836, | 15,357 09    |
| do do 1838,                       | 85,891 28    |
|                                   | <hr/>        |
|                                   | \$313,078 73 |

To this is to be added the interest due on the bonds in the agent's hands, and the bonds formerly in Mr. Guinn's hands, and Mr. Clingmat's, and from it are to be deducted sundry payments credited on the bonds. The act of 1829 required the Treasurer to furnish the Comptroller with a full list of the obligors on Cherokee bonds, and for that officer "to make out and keep up to the end of each fiscal year, in the same manner as the accounts are now in the Treasury, so as to exhibit the different amounts, principal and interest, to the time of payment heretofore made, or which hereafter may be made, and the true and actual amount of each debt, and of the balance due the State on account thereof." These accounts have not been kept up in that office, owing to the fact that the Agent for the collection of those bonds, under the act of 1840, is required to report only to the Public Treasurer "on the first Monday in every month." I would respectfully suggest that he be required by Law to make duplicate reports to the Treasurer and Comptroller quarterly, of all his collections, payments, and proceedings; and as the law only authorises a limited amount to be placed in his hands (100,000 dollars) and as

there are much larger amounts to be collected or arranged, that another Agent be appointed to reside in the Cherokee country. This is absolutely necessary, should you take any positive measures as to immediate or gradual collections.

The sale of 1838, upon which all the bonds now due in the office are founded and which occurred on 3d of September, 1838, under the direction of Samuel F. Patterson and Charles L. Hinton, was an important one.

The number of acres sold was 190,404½ acres, and 8 town lots of half acre each. The assessed value of these lands, at the State price, was \$86,031 45. They sold for \$332,591 93. Of this sum \$46,450 75 were received in cash by the Commissioners, it being the required instalment of ¼ of the purchase money to be paid down, and such payments as the purchasers thought proper to make, and a remaining sum of \$285,371 18½ was secured by bonds and security, and with the cash received was deposited in the Public Treasury. From the most accurate data afforded by both my own and the Comptroller's books, there has been about \$92,567 38 paid on these bonds of 1838.

The report of the Commissioners for the sale of 1838 (dated 1 Dec. 1838) showed, that, in addition to what they sold (190,404½ acres for \$332,591 93) there was already surveyed and unsold of this territory 191 tracts, containing 30,448 acres. This, as well as the lands already sold, but which must by failure of parties to pay the purchase money revert to the State, are funds belonging to the State; but since these lands cannot be entered as vacant lands, they, as well all the lands which are unsurveyed in the Cherokee Country, (the amount and number of acres of which this Department is not advised) are entirely unavailable to the Treasury, without some legislative action. The Commissioners, in their report, suggested two modes as to the further disposition of these lands. The first was, to authorize another survey to a limited extent, in tracts of larger size than those in the previous survey, embracing such land only as worth 10 cents per acre; which, added to those now surveyed and remaining unsold, together with the remainder of the town lots, to form the subject of another sale, after which the balance of the territory to be subject to entry under the existing laws of the State.

The second mode was, to provide by law that the lands now surveyed may be entered for a specified time, say two years, at a price fixed by the State for each grade, and those remaining at the expiration of that period (if any) to be graduated at such price as would ensure them to be taken up within another given period.

Whatever plan may be adopted by your experience and wisdom, I would recommend most earnestly, but respectfully that *cash* sales only be adopted, as impressed by the experience of the General Government, and imperatively demanded by the state of our own finances. When the Government is a creditor of the citizen in heavy amounts, the collection is difficult and coercion impracticable.



The report of the Agent of the State, Jacob Siler, Esq., to this Department, throws much light on this embarrassing question. It is herewith submitted, marked A B. He is a faithful Agent, familiar with his duties, and his location among the debtors and the lands entitle his opinions to much consideration.

Connected with the Cherokee Lands, is the case of William Welsh and others. These bonds were given for lands sold in 1820, and were placed by my predecessor in a train of collection. Judgment has been obtained in favour of the State, and an injunction has been prayed in Equity and granted, and a copy served on me as Public Treasurer, enjoining the collection of these bonds, until proper assurance of title is made.

The bonds of J. L. Dilliard and others, Justices of Haywood County (3 bonds for \$1,133 06 $\frac{1}{4}$  each) have been also placed in a train of collection. An error is alleged to have been committed as to the amount of land sold, and application has been made to me, to correct the error. As no such power is in the province of this Department, the parties will refer to you for relief.

The Comptroller reported to this Department in Oct. 1843, the names of the Clerks of the County Courts of Randolph, Bladen, Columbus, Northampton, Yancy, Onslow, Jones, Stokes, Catawba, McDowell and Montgomery, as failing to furnish him with the name of the Sheriff and his sureties of their respective Counties, and also as failing to return the list of taxables within the time prescribed by law. The law made it my duty to move for judgment against them by the Attorney General; which has been done.

The severe penalty of the law, which inflicts a fine of 1000 dollars, and declares the party guilty of misdemeanour, on conviction of which dismissal from office is the consequence, and inelegibility afterwards, will doubtless call for the exercise of legislative aid, without which the law will be enforced.

I am happy to say that there has been no occasion this year by the failure of any Clerk in his duty.

The Sheriffs with praiseworthy promptitude have paid their respective quota of revenue to the Treasury within the periods prescribed by law.

The Bank exhibits as required by the Charters of the Banks of the State are herewith appended, No. 1 to No. 8.

The papers herewith submitted marked A to E contain all the information required by law of this Department.

Respectfully submitted,

JNO. H. WHEELER,  
*Pub. Treasurer.*

## STATEMENT A.

Statement of cash received at the Treasury for additional returns of Taxes, from 31st Oct. 1842, to 1st Nov. 1844.

| Sheriff's name.  | Counties.  | Amount paid. |
|------------------|------------|--------------|
| Willie Jones     | Buncombe   | 1 58         |
| L. B. Krimmenger | Cabarrus   | 3 89         |
| J. H. Gooch      | Granville  | 87           |
| W. W. Brickell   | Halifax    | 10 16        |
| Saml. Terry      | Richmond   | 8 18         |
| James W. Carson  | Rutherford | 6 54         |
| Leonard Ziglar   | Stokes     | 8 11         |

Respectfully submitted  
JNO. H. WHEELER  
Pop. Treasurer.

The papers herewith submitted marked A to E contain all the information required by law of this Department.  
State are herewith appended, No. 1 to No. 8.  
The Bank exhibits as required by the Charters of the Banks of the State are herewith submitted.  
The Sheriffs with praiseworthy promptitude have paid their respective quota of revenue to the Treasury within the periods prescribed by law.  
I am happy to say that there has been no occasion this year by the failure of any Clerk in his duty.  
afterwards will doubtless call for the exercise of legislative aid, of which dismissal from office is the consequence, and ineffectuality, and declares the party guilty of mismanagement, on conviction by the Attorney General; which has been done.  
The severe penalty of the law, which inflicts a fine of 1000 dollars, and declares the party guilty of mismanagement, on conviction by the Attorney General; which has been done.  
The Sheriff and his surties of their respective Counties, and also as names of the Clerks of the County Courts of Randolph, Bladen, Columbus, Northampton, Yancey, Onslow, Jones, Stokes, Catawba, McDowell and Montgomery, as failing to furnish him with the name of failing to return the list of taxables within the time prescribed by law. The law made it my duty to move for judgment against them by the Attorney General; which has been done.

The Sheriff and his surties of their respective Counties, and also as names of the Clerks of the County Courts of Randolph, Bladen, Columbus, Northampton, Yancey, Onslow, Jones, Stokes, Catawba, McDowell and Montgomery, as failing to furnish him with the name of failing to return the list of taxables within the time prescribed by law. The law made it my duty to move for judgment against them by the Attorney General; which has been done.



## STATEMENT B.

Statement of Treasury Notes issued, as reported to the Comptroller, and put in circulation according to Acts of Assembly of 1814-16-23.

|                            |       |                     |
|----------------------------|-------|---------------------|
| Amount issued under act of | 1814, | 82,000 00           |
| Do " "                     | 1816, | 80,000 00           |
| Do " "                     | 1823, | 100,000 00          |
|                            |       | <u>\$262,000 00</u> |

Amount burnt by the several Committees of Finance as per resolves of the Legislature and the Comptroller's Reports.

213,096 87

Amount in vault redeemed by Treasurer,

52 87

Balance unredeemed and outstanding

48,850 26

\$262,000 00

## STATEMENT C.

Statement of the nett amount of the different Branches of Revenue  
for the years 1843-44.

| BRANCHES OF REVENUE.                        | 1843        | 1844        |
|---------------------------------------------|-------------|-------------|
| Tax on Land,                                | 29,407 54   | 29,329 64   |
| " " Town property,                          | 2,353 95    | 2,392 66    |
| " Polls,                                    | 31,187 53   | 31,886 65   |
| " Stud Horses,                              | 2,030 37    | 1,629 21    |
| " Gates,                                    | 183 30      | 188 00      |
| " Stores,                                   | 7,874 48    | 8,260 34    |
| " Pedlars,                                  | 3,162 50    | 3,252 40    |
| " Artificial Curiosities,                   | 28 20       | 177 36      |
| " Natural do.                               | 28 20       | 56 40       |
| " Billiard Tables,                          | 1,410 00    | 470 00      |
| " Penalties,                                |             | 400 00      |
| " Negro Traders,                            | 122 20      |             |
|                                             | \$77,788 27 | \$78,042 66 |
|                                             |             | 77,788 27   |
|                                             |             | 155,830 93  |
| BANK TAX.                                   |             |             |
| Bank of Cape Fear,                          | 4,778 00    |             |
| Bank of the State of N. C.,                 | 4,486 50    |             |
| Merchants' Bank of Newbern,                 | 1,125 00    |             |
|                                             |             | 10,389 50   |
| DIVIDENDS.                                  |             |             |
| Bank of Cape Fear,                          | 120 00      |             |
| Buncombe Turnpike Co.,                      | 570 86      |             |
|                                             |             | 690 86      |
| SUNDRIES.                                   |             |             |
| Articles to K. Jones,                       | 2 75        |             |
| Treasurer of U. S.,                         | 23,147 14   |             |
| Do. transportation of Census,               | 136 82      |             |
| Jos. M. Bogle, Sheriff,                     | 75 00       |             |
| Gov'r Morehead,                             | 136 82      |             |
| Superintendent of Pub. Buildings,           | 4 00        |             |
| Same, (sale of Brick,)                      | 6 00        |             |
| Treasurer of U. S.                          | 2,835 74    |             |
| Interest on Wil. & Raleigh Rail Road bonds, | 1,500 00    |             |



## LITERARY FUND.

## DIVIDENDS.

|                                                 |           |
|-------------------------------------------------|-----------|
| Bank of the State of No. Ca.                    | 62,756 50 |
| Bank of Cape Fear,                              | 58,542 00 |
| Roanoke Nav. Co.                                | 500 00    |
| Principal on Loans by Lit. Board,               | 38,370 05 |
| Interest on same,                               | 22,775 82 |
| Interest on Loans by Int. Im. Board,            | 1,718 34  |
| Interest on Bonds of Ral. & Gas. Rail Road,     | 14,877 00 |
| Entries on Vacant Lands,                        | 8,766 52  |
| Tax on Auction Sales,                           | 951 18    |
| Tax on Retailers of Spirits,                    | 4,731 02  |
| Transfer by order of Gen'l Assembly (Proceeds,) | 23,147 14 |
| Interest on Bonds of Wil. & Ral. Rail Road,     | 17,190 00 |
| Amercement (collected of R. W. Long, Shff.)     | 100       |
| Sale of Shingles,                               | 545 73    |
| Notes of Geo. E. Badger and Jno. M. Mason,      | 890 21    |
| Cape Fear Nav. Dividends,                       | 2,600 00  |

## INTERNAL IMPROVEMENT FUND.

|                                                                  |           |
|------------------------------------------------------------------|-----------|
| Cherokee bonds of Jacob Siler, agent, and others, sales of 1836, | 22,035 33 |
| do sales of 1838,                                                | 644 00    |
| J. S. Dillard and others,                                        | 400       |
| Dividends on Bank Stock,                                         | 1,232 00  |
| Principal on loans by Board of Int. Imp.                         | 8,784 80  |

## BANK STOCK.

|                                                            |  |
|------------------------------------------------------------|--|
| 5027 shares in capital stock in Bank of the State of N. C. |  |
| 5322 " " Bank of Cape Fear, belonging to Lit. Fund,        |  |
| 112 shares in same, belonging to Int. Imp. Fund,           |  |
| 10 shares in same, unappropriated,                         |  |
| Stock in Cape Fear Navigation Company,                     |  |
| " Roanoke Navigation do,                                   |  |
| " Buncombe Turnpike do,                                    |  |

*Bonds belonging to the State in hands of the Treasurer other than Cherokee bonds.*

To this amount of bonds found by present Treasurer not receipted for by him, among the loose papers of the office, viz:

|                                                             |        |
|-------------------------------------------------------------|--------|
| 1, A. Smith, D. F. Ramsour, Wm. A. Thomas, and P. A. Summy, | 102 50 |
| Do Do, due 1 year after date, 7th Aug. 1841,                |        |
| 2, Do Do, " 2 years after                                   | 102 50 |
| 3, Do Do, " 3 " "                                           | 102 50 |
| 4, Do Do, " 4 " "                                           | 102 50 |

|                                                        |       |                        |
|--------------------------------------------------------|-------|------------------------|
| 1, J. L. Dilliard & others, of Haywood, 2 years after, |       |                        |
| (date) 13th Aug. 1836,                                 |       | 1,133 06 $\frac{1}{4}$ |
| 2, Do                                                  | 3 " " | 1,133 06 $\frac{1}{4}$ |
| 3,                                                     | 4     | 1,133 06 $\frac{1}{4}$ |

On these bonds suits have been brought in Wake Superior Court.

|                                          |  |           |
|------------------------------------------|--|-----------|
| R. W. Ashton's note, due 30th Oct. 1842, |  | 79, 30    |
| R. M. Saunders' do 6th Ap. 1844,         |  | 180 00    |
| Wm. F. Collins' do 6th Ap'l 1844,        |  | 430 00    |
| Same do 23d Sept. 1843,                  |  | 16 75     |
| Raleigh and Wilmington Rail Road Co.     |  | 50,000 00 |



## STATEMENT D.

Monies paid into hands of Jacob Siler, Agent for Cherokee lands,  
sales of 1836—as per his returns to Treasury Department.

| Distr't | Tract | Persons Paying   | No. of Bond. | Remarks | Amount  |
|---------|-------|------------------|--------------|---------|---------|
|         |       | 20 Oct. 1842.    |              |         |         |
| 16      | 58    | Phillip Guyer,   | 4            | In full | \$83 03 |
|         |       | 31 Oct. 1842.    |              |         |         |
| 15      | 160   | Wm. Angel        | 2            | "       |         |
| 163     |       | "                | 3            |         |         |
| 12      | 61    |                  |              |         | 200 43  |
|         |       | 8 Nov. 1842.     |              |         |         |
| 6       | 13    | Wm. Moss         | 1. 2. 3. 4.  | "       | 13 64   |
| 15      | 133   | Eli Woldsoon     | 2            | "       | 9 49    |
| "       | 137   | "                | 3            | In part | 51      |
|         |       | 24 Nov. 1842     |              |         |         |
| 7       | 61    | Patsey Kirby     | 1. 2. 3. 4.  | In full | 13 21   |
|         |       | 14 March 1843    |              |         |         |
| 8       | 108   | N B Thompson     | 1            | "       | 17 62   |
| "       | 17    | Arbaham Sellers  | 1. 2. 3. 4.  | "       | 16 37   |
| "       | 109   | "                | 1. 2. 3. 4.  | "       | 21 32   |
| 10      | 67    | John Coekerham   | 3            | "       | 3 90    |
| "       |       | "                | 4            | "       | 3 70    |
| "       | 65    | "                | 4            | "       | 3 63    |
|         |       | 13 June 1843     |              |         |         |
| 8       | 91    | John Crisp       | 3            | "       | 3 84    |
| "       |       | "                | 4            | In part | 1 16    |
| 15      | 75    | Thos Kimsey      | 4            | "       | 5 00    |
| 13      | 39    | Curtis Ledford   | 1. 2. 3. 4.  | In full | 22 17   |
|         |       | 12 Sept. 1843    |              |         |         |
| 11      | 105   | Bradley Lawrence | 2. 3.        | In part | 16 80   |
| 16      | 36    | Michael Wikle    | 4            | In full | 8 16    |
| 11      | 68    | John Ammons, Jr. | 1. 2. 3. 4.  | "       | 23 47   |
| 6       | 25    | Alfred Wilson    | 1. 2. 3. 4.  | In part | 3 64    |
| 17      | 72    | Jas Morgan       | 1. 2. 3. 4.  | "       | 21 01   |
|         |       | 20 Oct. 1843     |              |         |         |
| 8       | 61    | Jos. Sherell     | 2. 3. 4.     | "       | 9 40    |
|         |       | 1 Dec. 1843      |              |         |         |
| 15      | 135   | John Clure       | 3            | In full | 1 22    |
| 9       | 31    | Jas. Truitt      | 1. 2. 3. 4.  | In part | 8 25    |
| 1       | 3     | Julius Garrett   | 3. 4.        | "       | 3 07    |
| 8       | 66    | Matthew Garrett  | 3. 4.        | "       | 1 75    |
| 18      | 135   | Jesse Hall       | 1. 3. 3. 4.  | "       | 3 74    |
| "       | 136   | Elbert Hall      | 3. 4.        | "       | 2 64    |
| 8       | 105   | Andrew Welch     | 3. 4.        | "       | 4 43    |

|    |     |                    |             |         |       |
|----|-----|--------------------|-------------|---------|-------|
| 7  | 51  | Tilly Osborne      | 1, 3, 4,    | "       | 2 01  |
| 14 | 35  | Jos. Hicks         | 2, 3, 4,    | "       | 7 09  |
| "  | 37  | Samuel Bunds       | 2, 3, 4,    | "       | 4 74  |
| "  | 36  | Louis Vandike      | 2           | "       | 3 92  |
| 8  | 129 | John Messor        | 1, 2, 3,    | "       | 7 45  |
| "  | 126 | William Sutton Jr. | 1, 2, 3, 4, | "       | 7 20  |
|    |     | Jos. Davis         | 3, 4        | In part | 3 08  |
|    |     | Thos Monteith      | 4, 3, 4,    | "       | 2 08  |
|    |     | Wm Bird            | 3, 4        | "       | 4 40  |
|    |     | John Ledford       | 1, 2, 3, 4, | "       | 10 47 |
|    |     | E McEldry          |             | "       | 25 83 |
|    |     | Z Peak             | 2, 3, 4,    | "       | 5 22  |
|    |     | David Higdon       | 1, 2, 3, 4, | "       | 3 74  |
|    |     | Patsey Kirby       | 1, 2, 3, 4, | "       | 2 99  |
|    |     | Ann Brown          | 1, 2, 3, 4, | "       | 24 60 |
| 8  | 35  | James Sherer       | 1, 2, 3, 4, | "       | 2 47  |
| 18 | 2   | West Truitt        | 1, 2, 3, 4, | In full | 27 01 |
| 6  | 8   | Matthias Wike      | 2, 3        | In part | 4 04  |
|    |     | Alex Wilson        | 1, 2, 3, 4, | "       | 3 72  |
|    |     | Wm. Wilson         |             | "       | 19 53 |
|    |     | David Elders       |             | "       | 4 32  |
|    |     | 27- Dec. 1843      |             |         |       |
|    |     | Lemuel Marr        |             | "       | 11 48 |
| 11 | 85  | Wm. E. Mell        | 2,          | "       | 0 62  |
|    | 86  | "                  | 3,          | "       | 2 75  |
|    | 87  | "                  | 4,          | "       | 2 09  |
| 9  | 32  | Jas Truitt         | 2, 3, 4,    | "       | 15 20 |
| 8  | 48  | Susannah Truitt    | 2, 3, 4,    | "       | 1 32  |
| 14 | 32  | Louis Vandike      | 3,          | "       | 3 17  |
| 6  | 11  | Fox Robert         | 1, 2, 3, 4, | "       | 11 95 |
|    |     | A Hooper           | 1, 2, 3, 4, | "       | 2 89  |
| 8  | 60  | D Elders           | 1, 2, 3, 4, | "       | 4 10  |
|    |     | Wm D Hart          | 1, 2, 3, 4, | "       | 9 77  |
| 17 | 80  | Allen Sherrer      | 1, 2, 3, 4, | "       | 7 54  |
|    |     | Jona Forister      | 1, 2, 3, 4, | "       | 3 76  |
|    |     | Joshua Hall        | 1, 2, 3, 4, | "       | 3 86  |
| 10 | 99  | Fred Raily         | 4,          | "       | 35 00 |
|    |     | John Moore         | 1, 2, 3, 4, | "       | 10 39 |
| 6  | 85  | Geo Roland         | 3, 4,       | "       | 2 57  |
|    |     | Joseph Roland      | 1. 2. 3. 4. | In part | 3 87  |
| 10 | 124 | William Young      | 1. 2. 3. 4  | "       | 3 78  |
|    |     | Cornelius Cooper   | 3. 4.       | "       | 1 45  |
|    |     | Same               | 2. 3. 4.    | "       | 3 75  |
|    |     | William Farley     | 1. 2. 3. 4. | "       | 6 22  |
|    |     | Wm. W. Piercy      | 4           | "       | 1 01  |
|    |     | Alfred Angel       | 4           | "       | 1 99  |
| 16 | 98  | Thos. M. Angel     | 4           | In full | 2 23  |
|    |     | James Angel        | 2. 3. 4.    | In part | 11 23 |



|    |     |                   |             |         |       |
|----|-----|-------------------|-------------|---------|-------|
|    |     | "                 | 3. 4.       | "       | 10 67 |
| 11 | 64  | Isaiah Cook       | 1. 2. 3. 4. | "       | 4 34  |
|    |     | Margaret Bryson   | 3           | "       | 1 75  |
| 9  | 37  | James Truitt      | 1. 2. 3. 4. | "       | 3 10  |
| "  | 18  | Noah Miller       | 1. 2. 3. 4. | "       | 4 86  |
|    |     | Julius Dean       | 1. 2. 3. 4. | "       | 9 69  |
|    |     | William Williams  | 2. 3. 4.    | "       | 8 40  |
|    |     | William Bates     | 1. 2. 3. 4. | "       | 2 89  |
| 11 | 119 | Thos. Ford        | 1. 2. 3. 4. | "       | 16 83 |
|    | 72  | James Peak        | 1. 2. 3. 4. | "       | 12 27 |
|    |     | James Bradley     | 2. 3. 4.    | "       | 4 26  |
|    |     | Martin Norten     | 1. 2. 3. 4. | "       | 7 15  |
|    |     | Peter Ledford     | 1. 2. 3. 4. | "       | 5 61  |
|    |     | Phillip Guyer     | 2. 3. 4.    | "       | 13 98 |
|    |     | John Hickey       | 1. 2. 3. 4. | "       | 2 82  |
|    |     | William Crisp     | 1. 2.       | "       | 1 67  |
|    |     | "                 | 1. 2. 3. 4. | "       | 10 67 |
|    |     | Alex. Nickels     | 1. 2. 3. 4. | "       | 14 26 |
|    |     | Benj. Hide        | 1. 2. 3. 4. | "       | 7 46  |
|    |     | Thomas Grant      | 1. 2. 3. 4. | "       | 3 04  |
| 10 | 112 | Jasper R. Johnson | 3. 4.       | In full | 13 53 |
|    |     | William Dewese    | 2. 3. 4.    | In part | 4 54  |
|    |     | Bryant Gibbs      | 2. 3. 4.    | "       | 17 65 |
|    |     | Henry Dewese      | 3. 4.       | "       | 3 52  |
| 15 | 75  | Thomas Kimzey     | 4           | In full | 2 27  |
|    |     | Jacob Fouts       | 3. 4.       | In part | 3 08  |
|    |     | William Angel     | 4           | "       | 35 52 |
|    |     | Isaac Mauney      | 1. 2. 3. 4. | In part | 57 95 |
|    |     | David Carpenter   | 1. 2. 3. 4. | "       | 6 55  |
|    |     | Joseph Donaldson  |             |         | 8 94  |
| 13 | 48  | Jacob Palmer      | 1. 2. 3. 4. | "       | 3 74  |
| "  | 46  | "                 | "           | "       | 3 74  |
|    |     | Joshua Ammonds    | 1. 2. 3. 4. | "       | 8 63  |
| 15 | 93  | Z. J. Thomas      | 4           | In full | 19 46 |
|    |     | James Addington   | 2. 3. 4.    | In part | 10 50 |
|    |     | John Palmer       | 2. 3. 4.    | "       | 3 50  |
|    |     | Martin Hursts     | 4           | "       | 9 72  |
|    |     | E. M. Hall        | 1. 2. 3. 4. | "       | 5 61  |
|    |     | Wm. H. Bryson     | 2. 3. 4.    | "       | 17 20 |
|    |     | "                 | 2. 3. 4.    | "       | 6 75  |
|    |     | John Bryson Sr.   | 1. 2. 3. 4. | "       | 12 12 |
|    |     | Elijah Underwood  | 1. 2. 3. 4. | "       | 7 91  |
|    |     | Adam Corn         | 3. 4.       | "       | 1 44  |
|    |     | Andrew Bryson     | 1. 2. 3. 4. | "       | 6 73  |
|    |     | Bailey Kirby      | 1. 2. 3. 4. | "       | 4 86  |
|    |     | William Stalcup   | 1. 2. 3. 4. | "       | 12 46 |
|    |     | John Passmore     | 1. 2. 3. 4. | "       | 4 03  |
|    |     | Dayid Morgan      | 1. 2. 3. 4. | "       | 13 50 |

|    |     |                    |             |         |       |
|----|-----|--------------------|-------------|---------|-------|
|    |     | Buckner Guy        | 1. 2. 3. 4. | "       | 2 99  |
|    |     | Sam'l. Kelly       | 1. 2. 3. 4. | "       | 8 72  |
|    |     | John Justice       | 1. 2. 3. 4. | "       | 14 96 |
|    |     | William Tatham     | 3. 4.       | "       | 2 02  |
|    |     | Hugh White         | 2. 3. 4.    | "       | 14 13 |
|    |     | James Vermilion    | 1. 2. 3. 4. | "       | 6 98  |
|    |     | Elizabeth Drymon   | 1. 2. 3. 4. | "       | 10 47 |
|    |     | Thomas Long        | 1. 2. 3. 4. | "       | 13 69 |
|    |     | Daniel Garland     | 1. 2. 3. 4. | "       | 5 61  |
|    |     | West Truitt        | 1. 2. 3. 4. | "       | 24 24 |
|    |     | Lewis Fore         | 1. 2. 3. 4. | "       | 15 95 |
|    |     | John Dowdle        | 1. 2. 3. 4. | "       | 14 96 |
|    |     | James Rogers       | 1. 2. 3. 4. | "       | 2 25  |
|    |     | West Truitt        | 1. 2. 3. 4. | "       | 8 90  |
|    |     | John Howard        | 1. 2. 3. 4. | "       | 10 45 |
|    |     | Richard Wilson     | 1. 2. 3. 4. | In part | 7 41  |
|    |     | John Howard        | 1. 2. 3. 4. | "       | 16 83 |
| 7  | 52  | Henry Wilson       | 3. 4.       | In full | 7 00  |
|    |     | Archibald Morrison | 2. 3. 4.    | In part | 2 90  |
|    |     | Matthias Wike      | 4.          | "       | 4 77  |
|    |     | John Zachary       | 1. 2. 3. 4. | "       | 11 23 |
|    |     | John Wild          | 2. 3. 4.    | "       | 8 76  |
|    |     | Elijah Davis       | 1. 2. 3. 4. | "       | 13 09 |
|    |     | Henry Addington    | 1. 2. 3. 4. | "       | 40 02 |
|    |     | Arch'd. Vaughn     | 1. 2. 3. 4. | "       | 52 29 |
| 11 | 115 | Lawrence Bradly    | 1. 2. 3. 4. | "       | 24 79 |
|    |     | Elizabeth Stiles   | 3. 4.       | "       | 2 42  |
|    |     | Wm. Cowen          | 1. 2. 3. 4. | "       | 3 36  |
| 1  | 34  | Samuel Cable       | 1. 2. 3. 4. | "       | 5 61  |
|    |     | Daniel Brewster    | 1. 2. 3. 4. | "       | 4 49  |
|    |     | William G. Watts   | 1. 2. 3. 4. | "       | 3 33  |
|    |     | John Huggins       | 4.          | "       | 1 58  |
|    |     | John Poteet        | 1. 2. 3. 4. | "       | 3 45  |
|    |     | Francis Ward       | 4           | "       | 5 00  |
|    |     | Silas Green        | 1. 2. 3. 4. | "       | 4 83  |
|    |     | Rachel Messor      | 1. 2. 3. 4. | "       | 6 38  |
|    |     | Rich. Jones        | 2. 3. 4.    | "       | 2 25  |
|    |     | John Long          | 1. 2. 3. 4. | "       | 11 28 |
|    |     | Jesse Saunders     | 1. 2. 3. 4. | "       | 4 02  |
|    |     | Henderson Saunders | 3. 4.       | "       | 2 05  |
| 11 | 19  | J. M. Bryson       | 3. 4.       | "       | 4 40  |
|    |     | Jesse McClure      | 1. 2. 3. 4. | "       | 3 74  |
|    |     | Hiram Gibson       | 4           | "       | 20    |
|    |     | Jesse Guy          | 3. 4.       | "       | 1 68  |
|    |     | Walter Jeffries    | 3. 4.       | "       | 1 97  |
|    |     | John Watson        | 1. 2. 3. 4. | "       | 12 04 |
|    |     | Andrew Watson      | 1. 2. 3. 4. | "       | 2 99  |
|    |     | Margaret Bryson    | 2. 4.       | "       | 3 50  |



|    |                              |             |                  |       |
|----|------------------------------|-------------|------------------|-------|
|    | John Hall                    | 1. 2. 3. 4. | "                | 8 85  |
|    | John Dills                   | 3. 4.       | "                | 1 76  |
|    | James H. Bryson              | 1. 2. 3. 4. | "                | 10 27 |
|    | Amos Ledford                 | 1. 2. 3. 4. | "                | 3 06  |
|    | Gray Crow                    | 1. 2. 3. 4. | In part          | 2 99  |
| 11 | 102 Henry Hagan              | 1. 2. 3. 4. | "                | 3 79  |
| "  | 95 " "                       | 1. 2. 3. 4. | "                | 3 97  |
| "  | 93 " "                       | 1. 2. 3. 4. | "                | 3 78  |
| "  | 92 " "                       | 1. 2. 3. 4. | "                | 2 89  |
| "  | 101 " "                      | 1. 2. 3. 4. | "                | 2 89  |
|    | James Ledford                | 1. 2. 3. 4. | "                | 23 86 |
|    | David Ledford                | 2. 3. 4.    | "                | 25 94 |
|    | William Dodgin               | 1. 2. 3. 4. | "                | 3 38  |
|    | Walter Burrell               | 3. 4.       | "                | 4 40  |
|    | Aaron Smith                  | 1. 2. 3. 4. | "                | 17 37 |
|    | John Scroggs & Phil-<br>lips | 2. 3. 4.    | "                | 3 74  |
|    | John Cave                    | 1. 2. 3. 4. | "                | 11 22 |
|    | Risden Cooper                | 1. 2. 3. 4. | "                | 3 74  |
|    | Thomas Rogers                | 2. 3. 4.    | "                | 2 25  |
|    | "                            | 3. 4.       | "                | 2 05  |
|    | David Picke                  | 1. 2. 3.    | "                | 2 98  |
|    | Lawrence Bradley             | 4           | "                | 5 70  |
|    | Thos. J. Williams            | 1. 2. 3. 4. | "                | 8 38  |
|    | Christopher Sitser           | 3. 4.       | "                | 11 46 |
|    | Elizabeth Saunders           | 3. 4.       | "                | 8 80  |
|    | William Mason                | 4           | "                | 4 00  |
|    | Osborn Beaver                | 1. 2. 3. 4. | "                | 2 99  |
|    | John Stilwell                | 1. 2. 3. 4. | "                | 4 97  |
|    | Abram Wiggins                | 1. 2. 3. 4. | "                | 3 86  |
|    | James Walker                 | 3 4.        | "                | 11 47 |
|    | Noah Birchfield              | 1. 2. 3. 4. | "                | 9 35  |
|    | C. R. Hardin                 | 1. 2.       | "                | 3 81  |
|    | "                            | 1. 2. 3. 4. | "                | 3 21  |
|    | James Ledbetter              | 1. 2. 3. 4. | "                | 2 99  |
|    | John Hickey                  | 1. 2. 3. 4. | "                | 3 74  |
|    | George Shuller               | 2. 3. 4.    | "                | 2 83  |
|    | "                            | 3. 4.       | "                | 6 18  |
|    | David Shuller                | 1. 2. 3. 4. | "                | 10 36 |
|    | Price Shuller                | 1. 2. 3. 4. | "                | 6 56  |
|    | Joseph Welch                 | 1. 2. 3. 4. | "                | 6 67  |
|    | Nathan Tabor                 | 1. 2. 3. 4. | "                | 11 50 |
|    | Henry Morrow                 | 1, 2, 3, 4, | Int to 1 Jan '44 | 3 75  |
|    | James McGahak                | 3, 4,       | "                | 1 32  |
|    | E. M. Kirkpatrick            | 1, 2, 3, 4, | "                | 1 37  |
|    | E. M. Kirkpatrick            | 1, 2, 3, 4, | "                | 23 19 |
|    | John Conly                   | 3, 4,       | In full          | 12 45 |
|    | Wm. Sutton, Sen.             | 1, 2, 3, 3, | Int to 1 Jan '44 | 7 48  |

|    |     |                     |             |              |       |
|----|-----|---------------------|-------------|--------------|-------|
|    |     | Amos Cabe           | 2, 3, 4,    | "            | 5 26  |
|    |     | Joseph Donaldson    | 4           | "            | 2 28  |
|    |     | Andrew Hodgins      | 3, 4,       | "            | 12 30 |
|    |     | Lewis Hodgins       | 1, 2, 3, 4, | "            | 13 07 |
|    |     | A. B. Donaldson     | "           | "            | 3 66  |
|    |     | J. R. Edwards       | "           | "            | 2 99  |
|    |     | "                   | 1, 2, 3,    | "            | 2 42  |
|    |     | Solomon Newton      | 1, 2, 3, 4, | "            | 5 21  |
|    |     | Absalom Hooper      | "           | "            | 5 59  |
|    |     | "                   | "           | "            | 2 89  |
|    |     | Andrew Hooper       | "           | "            | 2 99  |
|    |     | Watson Picklesimer  | "           | "            | 2 97  |
|    |     | "                   | "           | "            | 4 11  |
|    |     | "                   | "           | "            | 3 27  |
|    |     | John Hall           | 1, 2,       | "            | 25 50 |
|    |     | Abraham Pickelsimer | 3, 4, 4,    | "            | 2 68  |
|    |     | Benj. Stiles        | 2, 3, 4,    | "            | 8 12  |
|    |     | William Picke       | 3, 4,       | "            | 1 14  |
|    |     | Miles Carroll       | 2, 3, 4,    | "            | 9 52  |
|    |     | William Bryson      | 1, 2, 3, 4, | "            | 16 83 |
|    |     | William White       | "           | "            | 2 84  |
|    |     | John Baker          | "           | "            | 8 70  |
|    |     | Lemuel Bird         | "           | "            | 2 70  |
|    |     | Andrew McDaniel     | "           | "            | 5 22  |
|    |     | Joseph Smith        | "           | "            | 5 61  |
|    |     | Eli Waldroop        | 3, 4,       | "            | 3 29  |
|    |     | David Moses         | "           | "            | 14 07 |
|    |     | Benj. Duvall        | 2, 3,       | "            | 11 20 |
|    |     | Abram Sellers       | 1, 2, 3, 4, | "            | 6 87  |
|    |     | Thos. J. Roane      | "           | "            | 13 48 |
|    |     | John Dobson         | "           | "            | 12 35 |
|    |     | Laban Long          | "           | "            | 10 95 |
|    |     | William Arnold      | 1, 2, 3, 4, | Int. to Jan. | 7 48  |
|    |     | James M. Thomason   | "           | " [1844.     | 2 63  |
|    |     | Robt. Hall          | "           | "            | 9 47  |
|    |     | Joseph Miller       | "           | "            | 4 49  |
|    |     | Benj. Duval         | 4           | "            | 3 80  |
|    |     | Peter Miller        | 2           | In full      | 3 01  |
| 1  | 54  | Joseph Welch        |             |              | 33 50 |
|    |     | Robert Huggins      | 1, 2, 3, 4, | "            | 38 82 |
|    |     | David Peck          | 4           | Interest     | 74    |
|    |     | Reuben Bearly       | 1, 2,       | "            | 1 67  |
|    |     | Enos Scroggs        | 1, 2, 3, 4, | "            | 8 34  |
|    |     | Silas McDowell      | 2, 3, 4,    | "            | 4 50  |
|    |     | John Phillips       | "           | "            | 7 70  |
|    |     | David Moses         | 4           | "            | 57    |
| 12 | 14  | Washington Angel    | 2, 3, 4,    | In full      | 28 18 |
| 12 | 16  | "                   | "           | "            | 27 16 |
| 15 | 135 | John Clure          | 3           | In part      | 1 00  |
| 9  | 4   | Peter Miller        | 4           | In full      | 3 57  |



|    |     |                    |             |                |       |
|----|-----|--------------------|-------------|----------------|-------|
| 9  | 5   | "                  | 2           | In part        | 2 43  |
| 10 | 116 | James Withrow      | 1, 2, 3, 4, | Int to Jan '44 | 7 61  |
|    |     | William Poteet     | 3, 4,       | "              | 16    |
| 8  | 80  | C. R. Hardin       | 3, 4,       | "              | 3 31  |
|    |     | Abraham Wiggins    | 1, 2, 3,    | "              | 9 90  |
| 11 | 67  | John Amors         | 1           | In full        | 4 36  |
| 11 | 96  | John Davis         | 1           | In part        | 8 00  |
|    |     | George Lowdermilk  | 1           | "              | 2 00  |
|    |     | John Bruer         | 1           | In full        | 2 24  |
|    |     | Andrew Hodgons     | 1           | In part        | 5     |
|    |     | Young Amors        | 1, 2, 3, 4, | Int. Jan:      | 2 85  |
| 10 | 37  | Daniel Gabby       | 1, 2,       | In part        | 12 00 |
| 9  | 31  | James Truitt       | 1, 2, 3,    | "              | 6 50  |
|    |     | ib                 | 3, 4,       | Total          | 6 02  |
| 7  | 54  | Richard Wilson     | 1, 2, 3, 4, | "              | 13 82 |
|    |     | do                 | 1, 2,       | In part        | 2 93  |
| 8  | 99  | Cornelius Cropper  | 3, 4,       | Total          | 7 20  |
| 8  | 100 | do                 | 2, 3, 4,    | "              | 11 22 |
|    |     | Andrew Welch       | 4           | ib:            | 17 63 |
|    |     | Noah Buchfield     | 1           | part           | 5     |
|    |     | Christopher Sitzer | 3           | "              | 20    |
|    |     | Nineveh Barnes     | 1           | In part        | 1 50  |
|    |     | Polly McDowell     | 3,          | In full        | 5 14  |
| 15 | 110 | Amos Ledford       | 1, 2, 3, 4  | Total          | 12 24 |
|    |     | Peter Miller       | 3           | In part        | 1 75  |

Statement of monies paid into the Public Treasury on bonds of 1836 and 1838, from 1st Nov. 1842, to 1st Nov. 1844, on Cherokee Bonds, sales of 1836 and 1838.

|                    |             |  |
|--------------------|-------------|--|
| Jacob Siler, agent | 808 98      |  |
| Jacob Abernathy    | 40 00       |  |
| Edmund Jones       | 150 00      |  |
| Abraham Harshaw    | 155 73      |  |
| Jacob Siler        | 250 00      |  |
| Nelson A. Strange  | 800 00      |  |
| Jacob Siler        | 962 00      |  |
| Edmund Jones       | 150 00      |  |
| Jacob Siler        | 185 00      |  |
| Jacob F. Abernathy | 73 00       |  |
| John Sudderth      | 57 60       |  |
| David Corpening    | 86 95       |  |
| Same               | 915 05      |  |
| Jacob Siler        | 903 35      |  |
| J. L. Clingman     | 244 00      |  |
| Edmund Jones       | 150 00      |  |
| Jacob Siler        | 2,088 32    |  |
| Do.                | 7,600 60    |  |
| Do.                | 1,668 89    |  |
| Do.                | 661 68      |  |
| Edmund Jones       | 200 00      |  |
| John Tatum         | 477 06      |  |
| Jacob Siler        | 350 30      |  |
| Saml. Tate         | 1,087 79    |  |
| John Sudderth      | 400 00      |  |
| Jacob F. Abernathy | 450 00      |  |
| T. L. Clingman     | 400 00      |  |
| Jacob Siler        | 1,363 03    |  |
| Total paid in      | \$22,679 33 |  |



# STATEMENT E 2.

Moneys paid to Jacob Siler, Agent for Cherokee Lands, as per his returns to the Treasury Department, sales of 1838.

| District | Tract | Persons Paying.                  | No. of Bond. | Remarks. | Amt.    |
|----------|-------|----------------------------------|--------------|----------|---------|
| 3        | 15    | Jos. Smart, 20 Oct 1842          | 2            | In full  | \$59 21 |
| 4        | 1     | Griffin McMillan                 | 1            | "        | 2 60    |
|          |       | "                                | 2            | "        | 4 89    |
| 2        | 93    | David Davenport<br>26 Oct. '42   | 3            | In part  | 130 00  |
| 8        | 110   | N. B. Thompson                   | 1 2          | In full  | 5 49    |
| 10       | 68    | John Cockerham                   | 1 2          | "        | 5 47    |
| 4        | 134   | William Watson                   | 1            | "        | 47 49   |
| 5        | 41    | G. W. Lovinggood                 | 1            | "        | 48 90   |
| 2        | 124   | Amos Ledford                     | 1            | In part  | 13 70   |
|          | 93    | David Davenport<br>27 April 1843 | 4            | "        | 87 00   |
| town     | No. 9 | Henry Grady                      | 1            | "        | 28 85   |
| 3        | 133   | B. Stanridge                     | 2            | "        | 53 00   |
| 2        | 96    | Amos Curtis                      | 1            | In full  | 4 68    |
| "        | 146   | "                                | 2            | In part  | 25 32   |
| "        | 93    | David Davenport<br>16 June '43   | 4            | "        | 8 50    |
| "        | 95    | Milton Brown<br>7 June 1843      | 1 2          | In full  | 130 49  |
| 9        | 27    | Jas. Colvard                     | 1            | In part  | 23 00   |
| 5        | 20    | G. F. Rose                       | 3            | In full  | 3 05    |
| "        | "     | "                                | 4            | In part  | 1 95    |
| 3        | 145   | Nelson A. Strange                | 2            | In full  | 324 39  |
| "        | "     | "                                | 3            | In part  | 475 61  |
| 2        | 98    | Jasan Ledford                    | 2            | "        | 66 15   |
| "        | 141   | Jas. D. Franks                   | 2 3 4        | In full  | 356 22  |
| "        | 81    | Andrew Barnard                   | 2            | "        | 214 33  |
| "        | 124   | Amos Ledford                     | 1            | In part  | 10 00   |
| 3        | 135   | Geo. Hampton                     | 3 4          | "        | 45 76   |
| 8        | 110   | N. B. Thompson                   | 3 4          | In full  | 6 78    |
| 2        | 100   | Jas. M. Ledford                  | 1 2 3 4      | "        | 103 58  |
| 6        | 43    | Jacob F. Abernathy               | 3 4          | In part  | 213 00  |
| 2        | 140   | Saml. Norriss                    | 2            | "        | 20 00   |
| "        | 94    | Moses Curtis                     | 3 4          | "        | 24 43   |
| 8        | 2     | John D. Hart                     | 1            | "        | 33      |
| "        | 162   | "                                | 1 2          | "        | 2 19    |
| 7        | 40    | Phillip Bradley                  | 1 2 3 4      | "        | 60 70   |
| "        | 38    | Michael Long                     | 1 2 3 4      | "        | 2 87    |
| 2        | 63    | Saml. Tate                       | 1 2          | In full  | 87 21   |
| "        | 65    | "                                | 1 2          | "        | 509 17  |
| 2        | 61    | Saml. Tate                       | 2            | In part  | 303 62  |
| "        | 137   | Jas. Patterson                   | 4            | "        | 6 32    |
| "        | 140   | Saml. Norriss                    | 4            | "        | 6 48    |
| 6        | 43    | Jacob F. Abernathy               | 3            | "        | 70 00   |
| 2        | 147   | John Wood                        | 2 3 4        | In part  | 11 80   |

|    |     |                    |         |         |        |
|----|-----|--------------------|---------|---------|--------|
| "  | 150 | Andrew Barnard     | 2 3 4   | "       | 622 64 |
| "  | 81  | "                  | 3 4     | "       | 87 34  |
| "  | 93  | David Davenport    | 4       | In full | 119 30 |
| "  | 127 | Jesse Sherer       | 1 2 3 4 | In part | 5 98   |
| "  | 120 | "                  | 1 2 3 4 | "       | 12 77  |
| 3  | 133 | B. Stanridge       | 2 3 4   | "       | 42 08  |
| "  | 139 | Geo. Coleman       | 2       | "       | 4 35   |
| 2  | 126 | Wm. Marr           | 2 3 4   | "       | 9 09   |
| 3  | 117 | John Harshaw       | 1 2 3 4 | "       | 50 91  |
| "  | 155 | Phillip Harshaw    | 1 2 3 4 | "       | 15 59  |
| "  |     | Martin Baker       | 2 3 4   | "       | 31 32  |
| "  | 175 | Jas. Crawford      | 1 2 3 4 | "       | 20 70  |
| 12 | 47  | Wm. E. Mell        | 1 2 3 4 | "       | 1 61   |
| 2  | 146 | Amos Curtis        | 2 3 4   | "       | 51 76  |
| "  | 96  | "                  | 2 3 4   | "       | 8 69   |
| "  | 148 | Watson Curtis      | 1 2 3 4 | "       | 23 11  |
| 3  | 198 | Francis McGeehe    | 1 2 3 4 | "       | 23 29  |
| 2  | 77  | William Sanderson  | 1 2 3 4 | In part | 13 15  |
| "  | 76  | Same               | 1 2 3 4 | "       | 2 88   |
| "  | 78  | Same               | 1 2 3 3 | "       | 3 75   |
| 3  | 183 | Eli Sanderson      | 1 2 3 4 | "       | 3 72   |
| "  | 178 | Same               | 1 2 3 4 | "       | 27 14  |
| "  | 196 | Same               | 1 2 3 4 | "       | 7 50   |
| "  | 180 | Same               | 1 2 3 4 | "       | 15 79  |
| 2  | 149 | George McClure     | 1 2 3 4 | "       | 25 35  |
| "  | 150 | "                  | 1 2 3 4 | "       | 41 53  |
| "  | 120 | Marshall Mull      | 1 2 3 4 | "       | 16 33  |
| 1  | 2   | Joseph Chambers    | 1 2 3 4 | "       | 6 85   |
| 8  | 2   | John D. Hart       | 2 3 4   | "       | 1 02   |
| "  | 162 | Same               | 3 4     | "       | 1 45   |
| "  | 1   | "                  | 1 2 3 4 | "       | 2 94   |
| 11 | 9   | "                  | 1 2 3 4 | "       | 6 20   |
| 2  | 23  | George D. Davis    | 1 2 3 4 | "       | 7 91   |
| 1  | 24  | "                  | 1 2 3 4 | "       | 6 47   |
| 2  | 26  | "                  | 1 2 3 4 | "       | 24 00  |
| 2  | 30  | "                  | 1 2 3 4 | "       | 5 90   |
| "  | 28  | William M. Davis   | 1 2 3 4 | "       | 18 15  |
| "  | 31  | Richard Edmonston  | 1 2 3 4 | "       | 4 34   |
| "  | 132 | Christopher Sitser | 1 2 3 4 | "       | 3 27   |
| "  | 133 | Joab L. Moore      | 1 2 3 4 | "       | 12 09  |
| 10 | 96  | John Panther       | 3 4     | "       | 3 27   |
| "  | 95  | "                  | 3 4     | "       | 3 19   |
| "  | 94  | "                  | 3 4     | "       | 2 64   |
| 4  | 2   | John Derryberry    | 1 2 3 4 | "       | 5 12   |
| 2  | 102 | James M. Ledford   | 1 2 3 4 | "       | 68 66  |
| "  | 104 | J. L. Moore        | 1 2 3 4 | "       | 56 34  |
| 3  | 173 | Robert Henry       | 1 2 3 4 | "       | 7 52   |
| 2  | 67  | Madison Curtis     | 2 3 4   | "       | 43 08  |
| 5  | 26  | Jorial Barnet      | 2 3 4   | "       | 5 40   |
| "  |     | John McDowel       | 1 2 3 4 | "       | 6 70   |
| 7  | 65  | Burch Allison      | 1 2 3 4 | "       | 84 16  |



|    |                          |        |                     |        |
|----|--------------------------|--------|---------------------|--------|
|    | John Beaver              | 12 3 4 | "                   | 8 66   |
|    | Jesse R. Staleup         | 12 3 4 | "                   | 35 06  |
|    | Patrick Hennessee        | 12     | "                   | 100 00 |
|    | Martin Norton            | 12 3 4 | In part             | 12 79  |
|    | David Bowlin             | 12 3 4 | "                   | 1 62   |
| 5  | 40 Joseph McMullen       | 12     | "                   | 36 67  |
| 17 | 2 Henry Dewese           | 12 3 4 | "                   | 3 36   |
| 3  | 197 J. L. Moore          | 12 3 4 | "                   | 33 89  |
| 2  | 131 William Pruitt       | 12     | "                   | 116 63 |
| 2  | 52 Spencer Ledford       | 12 3 4 | "                   | 24 95  |
| 10 | 68 John Cockerham        | 3 4    | "                   | 66     |
|    | William Watson           | 2 3 4  | "                   | 32 37  |
| 4  | 135 William G. Watts     | 12 3 4 | "                   | 3 78   |
|    | James Witherow           | 12 3   | "                   | 18 40  |
| 8  | 140 Harvey Penland       | 3 4    | "                   | 84     |
| "  | 147 "                    | 3 4    | "                   | 55     |
| "  | 139 "                    | 3 4    | "                   | 55     |
| "  | 145 "                    | 3 4    | "                   | 78     |
| "  | 66 "                     | 3 4    | "                   | 10 75  |
| "  | 59 "                     | 3 4    | "                   | 6 63   |
| "  | 92 "                     | 3 4    | "                   | 5 14   |
| "  | 91 B. S. Brittain        | 3 4    | "                   | 9 44   |
| "  | 90 "                     | 3 4    | "                   | 4 72   |
| 12 | 69 Same and Geo. Penland | 12 3 4 | "                   | 5 95   |
| 2  | 84 John Ledford          | 12 3 4 | "                   | 145 71 |
| 3  | 33 David Thompson        | 12 3 4 | "                   | 36 74  |
| 7  | 67 Nelson Burgan         | 1 2    | "                   | 4 94   |
| 9  | 63 Saul Smith            | 12 3 4 | "                   | 49 58  |
| "  | 64 "                     | 12 3 4 | "                   | 4 43   |
| "  | 65 "                     | 12 3 4 | "                   | 5 13   |
| "  | 26 James Colvard         | 12 3 4 | "                   | 15 08  |
| "  | 67 "                     | 12 3 4 | "                   | 5 55   |
| "  | 16 John H. Kirkland      | 12 3 4 | "                   | 2 17   |
| 4  | 121 Jesse Stanridge      | 12 3 4 | "                   | 4 43   |
| 2  | 97 John H. Ammons        | 12 3 4 | "                   | 7 73   |
|    | 85 Jesse Kirby           | 2 3 4  | "                   | 5 40   |
|    | 68 "                     | 3 4    | "                   | 8 46   |
|    | John H. Ammons           | 12 3   | "                   | 31 68  |
| 8  | 104 Jesse W. Sherrer     | 12 3 4 | "                   | 14 41  |
| 9  | 98 Jesse W. Sherrer      | 12 3 4 | "                   | 3 48   |
|    | Jan. 1844.               |        | In part in general  |        |
| 2  | 121 " "                  | 12 3 4 | all these paymtns   | 17 56  |
| 8  | 99 Willie Sherrer        | 12 3 4 | are for interest to | 4 23   |
| 3  | 115 Enoch Burnet         | 12 3 4 | 1st Jan. 1844.      | 18 90  |
| 1  | 114 Sam'l Norris         | 2 3    | "                   | 12 40  |
| 3  | 144 James Patterson      | 12 3   | "                   | 37 22  |
| 7  | "                        |        |                     |        |
| 7  | "                        |        |                     |        |
| 1  | "                        |        |                     |        |
| 8  | "                        |        |                     |        |
| 3  | "                        |        |                     |        |

|    |     |                      |          |         |       |
|----|-----|----------------------|----------|---------|-------|
|    |     | Morgan B. Owensby    | 1 2      |         | 79 92 |
|    |     | Dempsey Raby         | 1 2 3 4  |         | 1 88  |
|    |     | N N Russell          | 1 2 3 4  |         | 1 92  |
| 2  | 72  | John A Robinson      | 1 2 3 4  |         | 5 18  |
| "  | 73  | "                    | 1 2 3 4  |         | 32 44 |
| "  | 145 | "                    | 1 2 3 4  |         | 8 27  |
| "  | 3   | Saml Leatherwood     | 1 2 3 4  |         | 1 44  |
| "  | 55  | Adam Low             | 1 2 3 4  |         | 2 90  |
| 3  | 169 | Thos Kimzey          | 1 2 3 4  |         | 67 90 |
| 9  | 27  | John Colvard         | 1 2      | In full | 2 95  |
| "  | "   | "                    | 2        | In part | 2 90  |
| 5  | 18  | John M. Case         | 1 2 3 4  |         | 20 56 |
| "  | 28  | "                    | 1 2 3 4  |         | 1 40  |
| "  | 17  | Lawson A Mingo       | 1 2 3 4  |         | 10 95 |
| "  | 22  | James Allen          | 1 2 3 4  |         | 2 16  |
| "  | 21  | "                    | 1 2 3 4  |         | 3 55  |
| "  | 24  | "                    | 1 2 3 4  |         | 4 50  |
| 7  | 33  | Thos Tatham          | 3 4      |         | 11 18 |
|    |     | John Howard          | 1 2 3 4  |         | 12 94 |
|    |     | Howard & Pace        | 1 2 3 4  |         | 21 64 |
|    |     | John Wild            | 1 2 3 4  |         | 7 85  |
| 8  | 20  | Jacob Stuart         | 1 2 3 4  |         | 2 55  |
|    |     | Samuel Cable         | 1 2 3 4  |         | 1 87  |
|    |     | John H. Ammons       | 4        |         | 5 38  |
| 12 | 42  | J W Guinn            | 1 2 3 4  |         | 2 13  |
| 11 | 88  | "                    | 1 2 3 4  |         | 2 13  |
| 12 | 39  | "                    | 1 2 3 4  |         | 2 13  |
| 9  | 59  | "                    | 1 2 3 4  |         | 13 62 |
| "  | 54  | "                    | 1 2 3 4  |         | 3 20  |
| "  | 70  | "                    | 1 2 3 4  |         | 3 20  |
| 9  | 62  | J W Guinn            | 1 2 4 3  | In part | 4 36  |
|    |     | Pd Jan. 1 1844       |          |         |       |
| "  | 53  | "                    | 1 2 3 4  |         | 6 00  |
|    |     | J W Guinn & A Truitt | 1 2 3 4  |         | 10 11 |
| 9  | 60  | J W Guinn & R Henry  | 1 2 3 4  |         | 5 00  |
| 13 | 23  | John R Allman        | 1 2 3 4  |         | 2 13  |
| "  | 1   | "                    | 1 2 3 4  |         | 2 60  |
| "  | 8   | "                    | 1 2 3 4  |         | 5 16  |
|    |     | Joseph Bryson        | 1 2 3 4  |         | 2 39  |
|    |     | John Loyd            | 1 2 3 4  |         | 12 57 |
|    |     | William Watson       | 1 2 3 4  |         | 46 39 |
| 2  | 90  | James M Ledford      | 1 2 3 4  |         | 1 40  |
| 2  | 83  | Geo W Hogshead       | 1.4.     |         | 52 29 |
| "  | 125 | William Marr         | 1.4.     |         | 7 83  |
| "  | 98  | Jason Ledford        | 3        |         | 20 75 |
|    |     | Hiram Ledford        | 1.2.3.4. |         | 1 97  |
|    |     | G F Rose             | 3.4.     |         | 6 59  |
| 5  | 20  | "                    | 4        |         | 20    |



|      |     |                   |             |               |
|------|-----|-------------------|-------------|---------------|
|      |     | William Kinsland  | 2. 3. 4.    | 79            |
|      |     | Abram Wiggins     | 1. 2. 3. 4. | 1 32          |
|      |     | Joseph Brandle    | 3. 4.       | 5 24          |
|      |     | Noah Birchfield   | 1. 2. 3. 4. | 7 57          |
|      |     | Panther's Reserve |             |               |
| 17   | 3   | James Wiggins     | 1. 2. 3. 4. | 2 34          |
| "    | 1   | " "               | 1. 2. 3. 4. | 9 38          |
| "    | 2   | " "               | 1. 2. 3. 4. | 4 64          |
|      |     | William Marr      | 1. 2. 3. 4. | 1 77          |
|      |     | John Ramsey       | 1. 2. 3. 4. | 2 16          |
| 11   | 15  | Robt Bryant       | 1. 2. 3. 4. | 6 25          |
|      |     | Jesse F Padget    | 1. 2. 3. 4. | 3 63          |
| 2    | 7   | Eli Ledford       | 1. 2. 3.    | 218 84        |
| 2    | 21  | Jesse Cockerham   | 2. 3. 4.    | 15 48         |
| 2    | 20  | Same              | 2. 3. 4.    | 130 02        |
| 3    | 134 | Drury Kilpatrick  | 1. 2. 3. 4. | 2 54          |
|      | "   | Hugh Howk         | 2           | 21 33         |
|      |     | Jonathan Blythe   | 3           | 106 24        |
| 3    | 15  | Joseph Smart      | 3. 4.       | 11 56         |
| 4    | 1   | Griffin McMillan  | 3. 4.       | In full 9 67  |
| 8    | 7   | Jonathan Simonds  | 1. 2. 3. 4. | Interest 5 40 |
| 4    | 69  | Jacob Lowdermilk  | 1 2 3 4     | Int. to Jan.  |
|      |     | Pd. Jan, 1844,    | " [1844.    | 16 62         |
| 4    | 68  | Do.               | 1 2 3 4     | 24 57         |
| 3    | 74  | Wm. J. Lowdermilk | 1 2 3 4     | 12 48         |
|      |     | John Anderson     | 1 2 3 4     | 15 26         |
| 4    | 61  | David Thompson    | 1 2 3 4     | 2 17          |
| 4    | 137 | "                 | 1 2 3 4     | 7 61          |
| 4    | 141 | "                 | "           | 7 20          |
| 4    | 139 | "                 | "           | 6 05          |
| 138  | 20  | "                 | "           | 4 58          |
| 140  | 20  | "                 | "           | 10 41         |
| 9    | 1   | Em. Kilpatrick    | 1 2 3 4     | 5 33          |
|      | 2   | "                 | "           | 1 81          |
| 8    | 96  | "                 | "           | 4 74          |
| "    | 100 | "                 | "           | 4 74          |
| "    | 97  | "                 | "           | 4 74          |
| "    | 101 | "                 | "           | 11 88         |
|      |     | Geo. N. Halcombe  | 2 3 4       | 18 00         |
|      |     | Darling Brown     | 1 2 3       | 30 30         |
| Town | lot | H. P. Grinnell    | 2 3 4       | 22 66         |
| 5    | 49  | Singleton Rhea    | 1 2 3 4     | 3 53          |
| "    | 43  | "                 | "           | 9 78          |
| "    | 47  | "                 | "           | 2 92          |
| "    | 54  | James Walker      | "           | 11 09         |
|      |     | Jesse Standridge  | 2 3 4       | 4 71          |
|      |     | "                 | 1 2 3       | 3 73          |
|      |     | "                 |             |               |
|      |     | "                 |             |               |

|    |     |                     |                     |        |
|----|-----|---------------------|---------------------|--------|
|    |     | Rich'd Edmonson     | 1 2 3 4             | 7 54   |
| 2  | 51  | Joab L. Moore       | "                   | 14 20  |
|    |     | Rich'd Edmonson     | 1 2 3 4             | 2 39   |
|    |     | "                   | "                   | 86 31  |
| 2  | 36  | John C. Moore       | 1 2 3 4             | 16 96  |
| "  | "   | "                   | In full             | 28 82  |
|    |     | Ebenezer Newton     | "                   | 2 68   |
| 5  | 56  | Jorial Barnett      | 1 2 3 4             | 2 27   |
| 3  | 150 | Joshua Harshaw      | "                   | 22 29  |
|    | 177 | "                   | "                   | 21 29  |
|    | 160 | "                   | "                   | 6 59   |
| 5  | 70  | "                   | "                   | 1 82   |
| 5  | 63  | "                   | "                   | 100 60 |
| 3  | 158 | Joshua Harshaw      | 1 2 3 4             | 31 94  |
|    |     | 20th Jan. 1844,     | Int. to Jan. [1844] |        |
| "  | 146 | Do.                 | 1 3                 | 427 41 |
| 2  | 155 | Jason L. Hyatt      | 1 2 3 4             | 24 04  |
|    | 154 | "                   | "                   | 142 89 |
| 3  | 195 | Francis McGee       | "                   | 5 04   |
| "  |     | Andrew Ferguson     | "                   | 33 39  |
| 8  | 25  | J. L. Johnson       | "                   | 3 24   |
| 8  | 24  | Eli Collins         | "                   | 8 68   |
| 8  | 6   | Benj. Stiles        | "                   | 40 64  |
|    | 4   | "                   | "                   | 43 20  |
|    | 5   | "                   | "                   | 4 33   |
|    | 3   | "                   | "                   | 25 10  |
| 9  | 13  | John D. Mingus      | "                   | 4 33   |
|    |     | John Redman         | "                   | 8 09   |
| 6  | 113 | A. J. Russell       | "                   | 2 08   |
| 6  | 42  | "                   | "                   | 4 59   |
| 3  | 168 | Thomas G. Kimzey    | "                   | 10 09  |
|    | 167 | "                   | "                   | 24 93  |
|    |     | Amos Ledford        | "                   | 106 98 |
|    |     | Barbee Carrol       | 2 4                 | 67 00  |
| 2  | 13  | John Saunders       | 1 2 3 4             | 23 10  |
| "  | 14  | Joseph Kilpatrick   | "                   | 7 85   |
| "  | 6   | Francis McGee       | "                   | 32 84  |
|    | 17  | Samuel Jarvis       | "                   | 14 24  |
|    | 18  | Wm. M. Davis        | "                   | 16 82  |
| 3  | 109 | John Carpenter      | "                   | 7 06   |
|    |     | Alfred White        | "                   | 16 98  |
|    |     | Samuel Bryson & Co. | 1 2 3               | 132 17 |
| 13 | 7   | Jesse R. Siler      | 2 3 4               | 1 75   |
|    | 2   | Henry Grady         | 1 2 3 4             | 9 55   |
| 2  | 53  | Joab L. Moore       | "                   | 19 53  |
| 8  | 112 | N. B. Thompson      | "                   | 2 05   |
| 2  | 105 | Wm. Marr            | "                   | 30 52  |
| 12 | 38  | Nathan Pilkinton    | "                   | 6 13   |
| 11 | 6   | J. H. Hunter        | "                   | 1 29   |



|     |     |                     |         |                 |        |
|-----|-----|---------------------|---------|-----------------|--------|
| 12  | 3   | John H. Kirkland    | "       |                 | 3 64   |
|     |     | James Holland       | "       |                 | 3 03   |
|     |     | James Tatham        | 1 2 3   |                 | 82 00  |
|     |     | Barnet Burch        | 1 2 3 4 | Int to Jan '44  | 13 78  |
|     |     | Richard Parsons     | "       | "               | 7 59   |
| 9   | 98  | Wm. Pace            | "       | "               | 8 10   |
| 12  | 20  | Jno. H. Kirkland    | 4       | In full         | 6 91   |
| 12  | 27  | do                  | 2 3 4   | "               | 37 53  |
| "   | 18  | "                   | "       | "               | 13 67  |
| "   | 21  | "                   | "       | "               | 13 67  |
| "   | "   | "                   | "       | "               | 12 28  |
|     | 25  | Geo. Sherrill       | 1 2 3 4 | In full         | 23 94  |
| 6   | 79  | Jesse R. Siler      | 2 3 4   | In full         | 21 51  |
| 6   | 81  | "                   | "       | In full         | 33 84  |
|     |     | Thos. Cabe          | 2 3 4   | Int. to 1 Jan.  | 1 77   |
|     |     | L. Cabe             | 1 2 3 4 | [1844.          | 11 95  |
|     |     | Wm. Rodgers         | 1 2     | Interest.       | 3 10   |
|     |     | M. B. Strain        | 2 3 4   | "               | 54 94  |
|     |     | Jonathan Philips    | 1 2 3 4 | "               | 24 37  |
|     |     | Wm. Evett           | 2 3 4   | "               | 1 21   |
|     |     | Levi Logan          | "       | "               | 7 81   |
| 2   | 143 | Lawrence Bradley    | 1 2     | In full         | 6 87   |
| 3   | 155 | Geo. Hampton        | 2       | "               | 45 58  |
| 13  | 44  | N. S. Jarrett       | 2       | "               | 11 97  |
| 2   | 81  | Andrew Barnard      | 2       | In part         | 250    |
| 12  | 55  | Wm. Evitt           | 1 2     | "               | 4 85   |
| 2   | 156 | Andrew Barnard      | 2       | "               | 250    |
| 10  | 26  | Geo. Penland        | 3 4     | "               | 102 50 |
| 5   | 20  | G. F. Rose          | 3       | "               | 5      |
| 2   | 124 | Amos Ledford        | 1       | "               | 90     |
|     |     | Big Tom's Reserve   |         |                 |        |
|     |     | Mark Coleman        | 1 2     | In full         | 15 83  |
|     |     | do                  | 1 2     | "               | 4 54   |
|     |     | Johnson's Reserve   |         | "               |        |
| 116 | 10  | W. W. Dobson        | 1 2 3 4 | Int. to Jan. 44 | 7 55   |
|     |     | Saul Smith          | 1 2 3 4 | "               | 7 61   |
| 2   | 95  | Milton Brown        | 3 4     | "               | 16 04  |
|     |     | Sam'l. Bryson & Co. | 3 4     | "               | 66 09  |
| 2   | 98  | Jason Ledford       | 4       | "               | 11 75  |
| 1   | 47  | Sam'l. H. Johnson   | 2 4     | "               | 11 16  |
| 7   | 85  | Hugh Stewart        | 1 2 3 4 | In full         | 49 23  |
| 7   | 64  | H. P. Grinnell      | 1 2 3 4 | Int. to Jan.    | 17 47  |
| 3   | 145 | Nelson A. Strange   | 3       | In part [44     | 500    |
|     |     | John McConnell      | 1 2 3 4 | part of Int.    | 17 25  |
| 8   | 41  | Enos Shields        | "       | "               | 6 00   |
| 2   | 131 | Wm. Pruitt          | 3 4     | "               | 66 00  |
| 1   | 40  | Eph'm. Amors        |         | Int. to Jan.    | 231 09 |
| 7   | 20  | James F. Ellis      |         | In part [44,    | 36 57  |





The following exhibits the No. of Insolvent Polls allowed the different Sheriffs of the Counties here set forth for 1844 as follows (viz:)

| Sheriffs' Names.  | Names of Counties. | No. of Insolvent Polls. |
|-------------------|--------------------|-------------------------|
| Burrell B Roberts | Davidson County    | 47                      |
| Pierce Roberts    | Buncombe "         | 46                      |
| Thos M Angel      | Macon "            | 11                      |
| S W Hyatt         | Cherokee "         | 45                      |
| J B Allison       | Haywood "          | 50                      |
| Haywood Edmondson | Greene "           | 30                      |
| Wm W Brickell     | Halifax "          | 75                      |
| Amma B Chesnutt   | Sampson "          | 72                      |
| Jno B Stamey      | Lincoln "          | 7                       |
| A H Shufford      | Catawba "          | 6                       |
| Charles Blanton   | Cleveland "        | 6                       |
| Wm. D. Petway     | Edgecombe "        | 41                      |
| Jno C Knight      | Richmond "         | 40                      |
| Calvin Coor       | Wayne "            | 91                      |
| Wm B March        | Davie "            | 71                      |
| Jas T Johnson     | Iredell "          | 146 & Rem'ls            |
| Nathan Bagly      | Perquimons "       | 108                     |
| George Dill       | Carteret "         | 33                      |
| Thos J A Cooper   | Nash "             | 34                      |
| James W Doak      | Guilford "         | 141                     |
| Martin Roberts    | Rockingham "       | 9                       |
| Etheldred Peebles | Northampton "      | 260                     |
| Jno B Dawson      | Craven "           | 129                     |
| Leonard Zigler    | Stokes "           | 183                     |
| R B Davis         | Washington "       | 15                      |
| Rich'd G Cowper   | Hertford "         | 117                     |
| Abner Carmichael  | Wilkes "           | 73                      |
| Alex Johnson      | Cumberland "       | 48                      |
| Thomas Wilson     | Yancy "            | 28                      |
| James Edwards     | Wake "             | 152 & Rem'ls.           |
| Benj M Selby      | Pitt "             | 105                     |
| Wm Wilkins        | Rutherford "       | 96                      |
| Joseph White      | Anson "            | 58                      |
| Alex Kelly        | Moore "            | 55                      |
| Allen S Ballinger | Johnston "         | 30                      |
| Wm D Rascoe       | Chowan "           | 47                      |
| Edward Davis      | Stanly "           | 27                      |
| Jno L Christian   | Montgomery "       | 60                      |
| Jno E Hussey      | Duplin "           | 36                      |
| R W Long          | Rowan "            | 37                      |
| H G Hampton       | Surry "            | 93                      |
| Guston Perry      | Franklin "         | 103                     |
| Job Carver        | Pasquotank "       | 68                      |

## INSOLVENTS FOR 1843.

|                   |                 |              |
|-------------------|-----------------|--------------|
| Seth W Hyatt      | Cherokee County | 46           |
| T M Angel         | Macon "         | 39           |
| J W Allison       | Haywood "       | 82           |
| Wesley Hanks      | Chatham "       | 144 & Rem'ls |
| Jno C Knight      | Richmond "      | 50           |
| Wm B Rascoe       | Chowan "        | 40           |
| B B Roberts       | Davidson "      | 36           |
| Haywood Edmondson | Greene "        | 53           |
| W W Brickell      | Halifax "       | 146          |
| Etheldred Peebles | Northampton "   | 228          |
| Rich'd G Cowper   | Hertford "      | 132          |
| Abner Carmichael  | Wilkes "        | 87           |
| Alex Kelly        | Moore "         | 24           |
| Wm B March        | Davie "         | 79           |
| E W Davis         | Stanly "        | 35           |
| Charles Blanton   | Cleveland "     | 10           |
| Wm Wilkins        | Rutherford "    | 64           |
| Andrew Shuford    | Catawba "       | 18           |
| J E Hussey        | Duplin "        | 39           |
| J R Stamey        | Lincoln "       | 21           |
| Martin Roberts    | Rockingham "    | 36           |
| James T Johnson   | Iredell "       | 147          |
| Joseph W. White   | Anson "         | 92           |
| Pierce Roberts    | Buncombe "      | 89           |
| Guston Perry      | Franklin "      | 55           |
| Wm D Petway       | Edgecombe "     | 190          |
| Enoch P Daily     | Camden "        | 8            |
| Calvin Coor       | Wayne "         | 68           |
| R W Long          | Rowan "         | 105          |
| Amma B Chesnutt   | Sampson "       | 57           |
| Alex Johnson      | Cumberland "    | 83           |
| Allen Grist       | Beaufort "      | 7            |
| Robt B Davis      | Washington "    | 32           |
| Jno McCleece      | Tyrrell "       | 20           |
| Benj M Lilley     | Pitt "          | 58           |
| Job Carver        | Pasquotank "    | 44           |
| Wm S Blinger      | Johnston "      | 34           |
| Nathan Bagley     | Perquimons "    | 174          |
| Jno B Dawson      | Craven "        | 5            |
| George Dill       | Carteret "      | 15           |
| James Edwards     | Wake "          | 136          |
| H G Hampton       | Surry "         | 95           |
| A S Mooring       | Martin "        | 13           |
| James W Doak      | Guilford "      |              |

The foregoing contains the amount of *Insolvents* allowed the Sheriffs in their settlements with this office for the years 1843 & 1844.

WM. F. COLLINS, *Compt.*

*Compt. Office, Nov. 22d, 1844.*

TO THE PUBLIC TREASURER.





**G**

**BANK EXHIBITS,**

**No. 1 to No. 8.**



# BANK EXHIBITS, No. 1.

*State of the Bank of Cape Fear on the Morning of Monday the 2nd day of January, 1843.*

|                      |           |                                       |                    |
|----------------------|-----------|---------------------------------------|--------------------|
| Capital Stock        | 1,500,000 | Specie                                | 331,038            |
| Notes in circulation | 735,241   | Deposites in Foreign Banks            | 206,504            |
| Dividends unpaid     | 46,250    | Notes of Foreign Banks on hand        | 120,500            |
| Due to Banks         | 13,037    | Due by Banks in North Carolina        | 40,056             |
| Deposites            | 157,165   | Notes of North Carolina Banks on hand | 77,910             |
| Contingent fund      | 61,749    | Real Estate                           | 62,615             |
| Profit and Loss      | 5,563     | Bills of Exchange in suit             | 39,857             |
|                      |           | Debt                                  | 1,640,525          |
|                      |           |                                       | <u>\$2,519,005</u> |
| Profit and Loss      | 10,169    | State of Exchange in suit             | 1,645,142          |
| Contingent Fund      | 61,749    | Real Estate                           | 32,252             |
| Due to Banks         | 9,563     | Notes of N. Carolina Banks on hand    | 68,022             |
| Deposites            | 11,143    | Due by Banks in North Carolina        | 26,231             |
| Deposites            | 119,113   | Notes of Foreign Banks on hand        | 15,110             |
| Notes in Circulation | 650,508   | Deposites in Foreign Banks            | 80,344             |
| Capital Stock        | 1,500,000 | Specie                                | 313,400            |
|                      |           |                                       | <u>582,021</u>     |

*State of the Bank of Cape Fear on the Morning of Monday the 2d day of April 1843.*

BANK EXHIBITS (No. 1) CONTINUED.

## BANK EXHIBITS, (No. 1) CONTINUED.

*State of the Bank of Cape Fear on the Morning of Monday the 3d day of July, 1843.*

|                      |           |                                    |                    |
|----------------------|-----------|------------------------------------|--------------------|
| Capital Stock        | 1,500,000 | Specie                             | 285,054            |
| Notes in Circulation | 829,262   | Deposits in Foreign Banks          | 313,400            |
| Deposites            | 145,112   | Notes of Foreign Banks on hand     | 89,374             |
| Dividends Unpaid     | 11,443    | Due by Banks in North Carolina     | 72,170             |
| Due to Banks         | 5,722     | Notes of N. Carolina Banks on hand | 59,531             |
| Contingent Fund      | 61,749    | Real Estate                        | 62,655             |
| Profit and Loss      | 46,769    | Bills of Exchange in suit          | 35,727             |
|                      |           | Debt                               | 1,672,146          |
|                      |           |                                    | <u>\$2,590,057</u> |
|                      |           |                                    | <u>\$2,590,057</u> |

|                      |           |                                    |           |
|----------------------|-----------|------------------------------------|-----------|
| Profit and Loss      | 2,203     | Deposits                           | 1,010,232 |
| Contingent Fund      | 61,749    | Notes of Foreign Banks on hand     | 38,823    |
| Due to Banks         | 121,182   | Notes of N. Carolina Banks on hand | 68,012    |
| Dividends Unpaid     | 13,083    | Due by Banks in North Carolina     | 22,310    |
| Notes in Circulation | 46,720    | Notes of Foreign Banks on hand     | 40,026    |
| Capital Stock        | 1,382,311 | Real Estate                        | 150,200   |
|                      | 1,200,000 | Bills of Exchange in suit          | 306,204   |
|                      |           | Debt                               | 331,034   |



# BANK EXHIBIT, NO. 2.

*State of the Merchants' Bank of Newbern on Wednesday the 31st day of May, 1843.*

|                                   |                     |                                 |                     |
|-----------------------------------|---------------------|---------------------------------|---------------------|
| Gold and Silver                   | 62,067 10           | Capital Stock                   | 225,000             |
| Notes and Checks of Bank of State |                     | Notes in Circulation            | 133,109             |
| N. C.                             | 872 13              | Deposites                       | 39,927 24           |
| do Bank of Cape Fear              | 11,726              | Profit & Loss 6 months nett     | 8,479 12            |
| do Banks in Virginia              | 170                 | General do Surplus              | 370 79              |
| Real Estate                       |                     | Dividends Unpaid                | 8,849 91            |
| Bills of Exchange                 | 25,782 13           | Bank of Cape Fear at Washington | 516                 |
| do Protested                      | 800                 | do Raleigh                      | 2,774 56            |
| Bills Receivable                  | 277,153 08          |                                 | 150 90              |
| do in suit                        | 8,624 61            |                                 | 2,925 46            |
| Bank of the State No. Ca.         | 163                 |                                 |                     |
| Bank of Cape Fear                 | 1,796 92            |                                 |                     |
| Merchants' Bank, Baltimore        | 305 69              |                                 |                     |
| Fulton Bank, New York             | 14,498 05           |                                 |                     |
|                                   | 16,763 66           |                                 |                     |
|                                   | <u>\$410,327 61</u> |                                 | <u>\$410,327 61</u> |

W. W. CLARK, *Cash.*

# BANK EXHIBIT, No. 3.

General Statement shewing the condition of the Bank of the State of North Carolina, 25th November, 1843.

|                                                |            |               |               |                                |            |                |
|------------------------------------------------|------------|---------------|---------------|--------------------------------|------------|----------------|
| Bills and Notes discounted                     |            | *1,881,356 01 |               | Capital Stock                  |            | 1,500,000      |
| Bonds of Bal. and G. R. R. Co.                 |            | 83,000        |               | General Profit and Loss        | 248,879 59 |                |
| guar. by the State                             |            | 322,132 97    | 2,286,468 98  | Contingent Fund                | 278 51     | 249,157 90     |
| Bills of Exchange                              |            |               |               | Treas'r U. States for P. O. D. |            | 21 25          |
| Real Estate                                    |            |               | 45,149 38     | PENSION OFFICE.                |            |                |
| Pension Office                                 |            | 403 77        |               | Pensioners under act 1828      | 266 57     |                |
| Pensions under act 1836                        | 10,003 89  |               |               | Do " 1832                      | 21,778 65  |                |
| Do " 1838                                      | 10,026 33  | 20,030 22     | 20,433 99     | Invalid Pensioners             | 7,521 65   |                |
|                                                |            |               |               | Revolutionary "                | 513 65     |                |
|                                                |            |               |               | Pensioners under act 1843      | 110 86     |                |
| DUE FROM BANKS.                                |            |               |               | Public Treas'r. of N. Carolina |            | 29,991 38      |
| Merchants' Bank Boston                         |            | 14,045 67     |               | DUE TO BANKS.                  |            | 38,953 33      |
| Do " New York                                  | 34,581 65  |               |               | O. J. Cammann, Cas. N. Y.      | 6,065 25   |                |
| Fulton " Do                                    | 15,786 20  | 50,367 85     |               | Merch's. B'k. do               | 339 88     |                |
| Farmers and Mechanics Phila.                   | 7,639 11   |               |               |                                |            | 6,405 13       |
| B'k. of N. Amer. Do                            | 885 91     | 8,525 02      |               | Agency B'k. Fayette'e.         |            | 162 75         |
|                                                |            |               |               | Farmers' B'k. Petersburg       | 7,113      |                |
| Merch't. B'k. Baltimore                        |            | 2,803 03      |               | B'k. Virg'a. Norfolk           | 1,668 47   |                |
| Farmers' " " Norfolk                           | 3,248 78   |               |               | Do Portsmouth                  | 378 79     |                |
| B'k. of Virga. Petersburg                      | 1,556 88   | 4,805 66      |               | Exchange Norfolk               | 1,492 01   | 10,052 27      |
|                                                |            |               |               |                                |            |                |
| Planters' and Mec. Charleston                  |            | 352 09        |               | B'k. C. Fear Wilmington        | 5,096 32   |                |
| B'k C Fear Asheville                           | 1,147 35   |               |               | Do. " Fayette'e.               | 19,996 45  | 25,092 77      |
| Do Washington                                  | 3,455 96   |               |               |                                |            |                |
| Do Salisbury                                   | 825        | 5,428 31      | 86,327 63     | NOTES IN CIRCULATION.          |            | 42,312 92      |
|                                                |            |               |               | Issued by Raleigh              | 248,919    |                |
| NOTES OF OTHER BANKS.                          |            |               |               | " Br: Newbern                  | 131,828    |                |
| Virginia                                       |            | 4,043         |               | " " Tarboro'                   | 116,353    |                |
| S Carolina                                     |            | 4,595         |               | " " Fayette'e.                 | 162,661    |                |
| N Caro. C. Fear B'k.                           | 40,450     |               |               | " " Wilmington                 | 135,096    |                |
| Merchts. "                                     | 2,393      | 42,873        | 51,511        | " " Elizabeth City             | 148,818    |                |
|                                                |            |               |               |                                |            | 943,675        |
| Treasury U. States notes & int.                |            |               | 257 64        | Dividends unpaid               |            | 1,187          |
| SPECIE.                                        |            |               |               | Deposits by Individuals        |            | 227,285 34     |
| Silver                                         |            | 322,961 17    |               |                                |            |                |
| Gold Coin                                      | 206,089 36 |               |               |                                |            |                |
| " Bullion                                      | 1,555      | 207,641 36    |               |                                |            |                |
|                                                |            |               |               |                                |            |                |
| Cents                                          |            | 101 72        | 530,707 25    |                                |            |                |
|                                                |            |               |               |                                |            |                |
| Vouches unadjusted                             |            |               | 312 57        |                                |            |                |
| Bills and Cecks in transitu                    |            |               | 11,395 68     |                                |            |                |
|                                                |            |               |               |                                |            |                |
|                                                |            |               | 83,032,584 12 |                                |            | \$3,032,584 12 |
| *Of this sum, (\$1,881,356 01) there is due by |            |               |               |                                |            |                |
| Directors                                      |            |               | 88,172 86     |                                |            |                |
| Stockholders not Directors                     |            |               | 39,457 11     |                                |            |                |
|                                                |            |               | \$127,629 97  |                                |            |                |

C. DEWEY, Cashier.



THE UNIVERSITY OF CHICAGO

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THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

| Notes of | Notes of | Receiv | Bills of |
|----------|----------|--------|----------|
|----------|----------|--------|----------|

### RECAPITULATION.

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M. M. CLARK, Clerk

\$443,811 40

\$104 12

224

10,520 32

41,532 31

126,131

352,000

\$443,811 40

20,133 00

1,520 42

1,100 80

4,210

500,428 53

10

3,308 21

2,100

Union Bank, New York

Mechanics' Bank, Baltimore

Bank of Cape Fear at Wilmington

Subscribed Debt

Bills Receivable

Bills of Exchange

Real Estate

do South Carolina Bank

M. C.

do & credits, Bank of the State

Notes of the Bank of Cape Fear

Gold and Silver

do

Bank of Cape Fear at Wilmington

do Discharge unpaid

General Do (sublime)

Bank of Cape Fear at Wilmington (new)

do Bonds

Notes of the Bank of the State

Cashier's Stock

340 30

3,241 22

1,000 21

6,128 21

State of the Maryland, Bank of the State, on December, 1814

REPORT OF THE MEMBERS, BANK OF THE STATE, 1814

# REPORT OF MERCHANTS' BANK OF NEWBERN, 29th NOV., 1844. NO. 6.

*State of the Merchants' Bank of Newbern, on Wednesday, the 29th of November, 1844.*

|                                 |            |                     |                                 |          |                     |
|---------------------------------|------------|---------------------|---------------------------------|----------|---------------------|
| Gold and Silver                 |            | 63,771 07           | Capital Stock                   |          | 225,000             |
| Notes of the Bank of Cape Fear  | 5,199      |                     | Notes in Circulation            |          | 156,431             |
| do & checks, Bank of the State  | 2,398 87   |                     | Deposites                       | 9,159 67 | 47,238 37           |
| do N. C.                        | 70         |                     | Profit & Loss 6 months (nett)   | 1,099 61 |                     |
| do South Carolina Banks         |            | 7,667 87            | General Do (surplus)            |          | 10,259 28           |
| Real Estate                     |            | 6,968 90            | Dividends unpaid                |          | 854                 |
| Bills of Exchange               |            | 28,330              | Bank of Cape Fear at Wilmington | 3,847 85 |                     |
| Bills Receivable                | 299,432 23 |                     | do                              | 346 90   |                     |
| Suspended Debt                  | 4,646      |                     |                                 |          | 4,194 75            |
| Bank of Cape Fear at Washington | 1,706 89   | 304,078 23          |                                 |          |                     |
| Merchants' Bank, Baltimore      | 1,260 45   |                     |                                 |          |                     |
| Fulton Bank, New York           | 30,193 99  | 33,161 33           |                                 |          |                     |
|                                 |            | <u>\$443,977 40</u> |                                 |          | <u>\$443,977 40</u> |

W. W. CLARK, Cash.



# STATEMENT OF THE BANK OF CAPE FEAR, 29th APRIL, 1844. NO. 7.

*State of the Bank of Cape Fear on the morning of Monday 29th April, 1844.*

|                      |                    |                                |                    |
|----------------------|--------------------|--------------------------------|--------------------|
| Capital Stock        | 1,500,000          | Specie                         | 411,579            |
| Notes in Circulation | 1,114,323          | Deposites in Foreign Banks     | 474,537            |
| Deposites            | 176,517            | Notes of Foreign Banks on hand | 42,007             |
| Dividends unpaid     | 1,435              | Due by Banks in N. Carolina    | 21,349             |
| Due to Banks         | 21,837             | Notes of N. C. Banks on hand   | 95,251             |
| Contingent Fund      | 67,674             | Real Estate                    | 66,501             |
| Profit & Loss        | 33,927             | Bills of Exchange in suit      | 27,686             |
| In Transitu          | 5,112              | Debt                           | 1,781,915          |
|                      | <u>\$2,920,825</u> |                                | <u>\$2,920,825</u> |

## BANK EXHIBIT, No. 8.

*State of the Bank of Cape Fear, on the morning of Tuesday, October, 1, 1844.*

|                 | Capital stock. | B'k Notes Issued. | Deposites | Divid'ds Unpaid. | Due to Banks. | Contingent Fund. | Profit and Loss | Specie. | Deposites in Foreign B'ks. | Notes of Foreign Banks On hand. | Due by Banks in North Carolina. | Notes of North Carolina Banks On hand. | Notes of this Bank on hand. | Real Estate. | Bills of Exchange In suit. | Debt.     |
|-----------------|----------------|-------------------|-----------|------------------|---------------|------------------|-----------------|---------|----------------------------|---------------------------------|---------------------------------|----------------------------------------|-----------------------------|--------------|----------------------------|-----------|
| At Bank         | 1,500,000      | 1,133,737         | 44,978    | 1,474            | 18,621        | 67,674           | 11,102          | 184,924 | 75,708                     | 33,423                          | 1,374                           | 24,469                                 | 58,722                      | 19,773       | 3,103                      | 467,941   |
| ' Fayetteville, |                | 328,638           | 36,308    |                  | 1,920         |                  | 13,219          | 105,179 | 75,311                     | 106,554                         |                                 | 22,578                                 | 8,641                       | 14,000       | 22,013                     | 428,213   |
| ' Salem,        |                | 18,607            |           |                  |               |                  | 3,640           | 6,145   |                            | 5,514                           |                                 | 2,956                                  | 660                         | 1,411        |                            | 215,732   |
| ' Hillsborough, |                |                   | 3,614     |                  |               |                  | 4,076           | 1,750   |                            | 319                             |                                 | 314                                    | 834                         |              |                            | 101,180   |
| ' Washington,   |                | 206,849           | 18,845    |                  | 13,342        |                  | 5,574           | 39,489  | 85,949                     | 259                             | 672                             | 11,073                                 | 3,918                       | 10,236       |                            | 134,598   |
| ' Salisbury,    |                | 129,470           | 18,764    |                  | 1,240         |                  | 5,044           | 71,129  | 24,968                     | 48,729                          |                                 | 1,000                                  | 876                         | 7,051        |                            | 176,806   |
| ' Raleigh,      |                | 45,299            | 45,105    |                  | 1,891         |                  | 3,896           | 29,144  | 5,863                      | 16,558                          | 2,030                           | 16,854                                 | 7,707                       | 11,937       |                            | 175,158   |
| ' Asheville,    |                | 85,000            | 2,852     |                  |               |                  | 1,592           | 11,747  | 51,873                     | 2,111                           |                                 | 4,793                                  | 9,543                       | 3,382        |                            | 101,101   |
|                 | 1,500,000      | 1,947,600         | 170,466   | 1,474            | 37,014        | 67,674           | 48,143          | 449,507 | 319,672                    | 213,467                         | 4,076                           | 84,037                                 | 806,901                     | 67,790       | 25,116                     | 1,800,729 |

## RECAPITULATION.

## RECAPITULATION.

|                       |           |
|-----------------------|-----------|
| Capital Stock         | 1,500,000 |
| Notes in Circulation, | 1,141,699 |
| Deposites,            | 170,466   |
| Dividends unpaid,     | 1,474     |
| Due to Banks,         | 37,014    |
| Contingent Fund,      | 67,674    |
| Profit and Loss,      | 48,143    |
| In Transitu,          |           |
|                       | 2,966,410 |

|                                        |           |
|----------------------------------------|-----------|
| Specie,                                | 449,507   |
| Deposites in Foreign Banks,            | 319,672   |
| Notes of Foreign Banks on hand,        | 213,467   |
| Due by Banks in North Carolina,        | 4,076     |
| Notes of North Carolina Banks on hand, | 84,037    |
| Real Estate,                           | 67,790    |
| Bills of Exchange in suit,             | 25,116    |
| Debt,                                  | 1,800,729 |
| In transitu,                           | 2,076     |
|                                        | 2,966,410 |



| At Bank   | Capital stock | Due Notes | Deposits  |
|-----------|---------------|-----------|-----------|
| At Bank   | 1,500,000     | 1,125,727 | 500,000   |
| Paym'ts   |               | 2,250,000 | 500,000   |
| Salmon    |               | 15,000    |           |
| Hillsboro |               | 200,000   |           |
| Washburn  |               | 125,000   |           |
| Salisbury |               | 125,000   |           |
| Haleigh   |               | 125,000   |           |
| Asheville |               | 25,000    |           |
|           | 1,500,000     | 1,511,000 | 1,500,000 |

RECAP

Capital Stock  
Notes in Circulation  
Deposits  
Dividends unpaid  
Due to Banks  
Contingent Fund  
Profit and Loss  
In Transition

REPORT OF JAMES ALLEN, JR.,  
TO THE COMMISSIONERS OF THE  
LAND OFFICE, ALABAMA.

IN RESPONSE TO A RESOLUTION  
PASSED BY THE BOARD OF LAND COMMISSIONERS  
AT THEIR MEETING HELD AT THE  
CAPITOL, MONTGOMERY, ALABAMA,  
ON THE 10TH DAY OF JANUARY, 1892.

ALBANY, N. Y.:  
J. B. LIPPINCOTT & CO.,  
PRINTERS, 1892.

THE LAND OFFICE, ALABAMA,  
MONTGOMERY.

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PRINTERS, 1892.

THE LAND OFFICE, ALABAMA,  
MONTGOMERY.



**REPORT OF JACOB SILER, AGENT OF THE STATE  
FOR CHEROKEE LANDS.**

**AGENCY OFFICE, FOR COLLECTION }  
Of Cherokee Bonds, August 1, 1844. }**

**SIR :**

In obedience to your letter of the 7th of May last, calling for certain information in relation to the Cherokee lands, I have the honor to transmit the following :

For want of proper records, it is not within the power of this Agency to give such detailed information on the subject as your letter requires. The Legislature of 1819 authorised a survey and sale of the territory obtained by the treaties of 1817 and 1819. The first sale under said act occurred in October, 1820. Subsequent Legislatures authorised additional sales. Under a resolution of the General Assembly, passed in 1835, the Treasurer of the State was required to give certain information with regard to the condition of the purchasers of Cherokee lands, [which] together with other information to be obtained from the Treasurer's report on this subject, is as follows :

“Aggregate amount of the several sales of the Cherokee lands, \$119,545 13.

Aggregate amount of principal and interest now due, \$49,197 77.

Being a period of more than fifteen years from the first sale, which produced a large portion of this unpaid amount.

The Treasurer, speaking of the solvency of these bonds, says, “from the best information which it has been in the power of the Public Treasurer to obtain, it is believed that out of the foregoing bonds thirteen only, amounting to the sum \$603 17 are totally insolvent. Some others are considered doubtful. But in no case, as the Public Treasurer has been assured, is the security of the debt endangered, as in every instance the lands are deemed to be worth as much or more than the amount of the respective debts now due. In a few instances, the original purchasers have transferred their lands and left the State. But in none within the information of this Department has any of the lands been entirely abandoned or permitted to run to waste.”

A small remnant of these bonds, as I am informed, is yet in the

hands of Attorneys for collection, being a period of more than twenty years since they became due.

The next sale occurred in 1836, under the supervision of Col. N. Edmonston, as Commissioner; being such lands as failed to sell at former sales, together with such as were surveyed in 1827. The State price of much the larger portion of this land was twenty-five cents per acre, and but few tracts sold for more. The report of the sale is not before us; but, according to the Sale book, the aggregate amount for which this land sold was \$28,076 75. All the unpaid bonds obtained by this sale are in my possession, some of which I have put in train for collection; such only, however, as are considered almost desperate. The territory obtained by the treaty of 1835, is supposed to contain about seven hundred thousand acres. Of this number, according to the report of the commissioners of sale, two hundred and fifteen thousand one hundred and eighty-six and three-fourths acres have been surveyed, leaving about four hundred and eighty-four thousand and eight hundred and fourteen acres unsurveyed. The State prices of the land surveyed amounts to the sum of \$92,726 25. Of the lands surveyed there were sold one hundred and eighty-four thousand seven hundred and thirty-eight acres, which, estimated at the State price, amounts to the sum of \$86,031 45; but sold for the sum of \$328,693 76, showing a difference between the State and the sale price of \$242,662 31, being an advance on the State price of nearly *four hundred per centum*.

Eight town lots, half ten acres each, were sold for the sum of fifteen hundred and sixty-one dollars. Of the Indian reservations in Macon county, there were sold three thousand eight hundred and eighty-seven acres, amounting to the sum of \$1,733 09. Of the refuse lands of former sales in Macon, there were sold one thousand seven hundred and seventy-nine acres for the sum of \$604 68. The aggregate amount of the sale of 1838, under the superintendence of Gen. S. F. Patterson and Maj. C. L. Hinton, as Commissioners, was \$332,591 93; of which sum \$46,450 75 was paid down; the balance was secured by bonds and deposited in the Treasury Department.— It is, then, to be seen that the total proceeds of all the Cherokee land sales in the State amount to the sum of \$480,213 71. As to the amount of money that has been paid into the Treasury for Cherokee lands since the sale of 1833, I have no data on which to make statements with any degree of accuracy, except such amounts as have been collected and paid over through this agency, the practical operations of which commenced in the month of June, 1841.



The following tabular statement represents the amount collected each month up to the 31st of July, 1844, and also the amounts paid into the Treasury with the dates thereof.

|                |           |                       |              |           |                           |
|----------------|-----------|-----------------------|--------------|-----------|---------------------------|
| In June 1841   | collected | \$226 70              | March        | "         | 274 59                    |
| " July "       | "         | "                     | April        | "         | 28 85                     |
| " August "     | "         | 1357 16 $\frac{1}{4}$ | May          | "         | " "                       |
| " September "  | "         | 709 11 $\frac{3}{4}$  | June         | "         | 1,148 30 $\frac{1}{2}$    |
| " October "    | "         | 273 19                | July         | "         | 356 22                    |
| " November "   | "         | 423 45                | In August    | collected | 224 33                    |
| " December "   | "         | "                     | " September  | "         | 219 21                    |
| " January 1842 | "         | 902 44                | " October    | "         | 269 35                    |
| " February "   | "         | 139 28                | " November   | "         | 1046 37                   |
| " March "      | "         | 152 61                | " December   | "         | 1713 02                   |
| " April "      | "         | 836 "                 | 1844 January | "         | 6235 11                   |
| " May "        | "         | 161 51                | In February  | collected | 725 32 $\frac{1}{2}$      |
| " June "       | "         | 10                    | " March      | "         | 1,720 38 $\frac{1}{2}$    |
| July 1842      | collected |                       | " April      | "         | 682 09                    |
| August         | "         | 5                     | " May        | "         | 18 50                     |
| September      | "         | 28 53                 | " June       | "         | 342 57 $\frac{1}{2}$      |
| October        | "         | 480 16 $\frac{1}{4}$  | " July       | "         | 19 13 $\frac{1}{2}$       |
| November       | "         | 36 85                 |              |           |                           |
| December       | "         | 78 62 $\frac{1}{2}$   |              |           | \$21,678 13 $\frac{1}{2}$ |
| January 1843   | "         | 829 11 $\frac{1}{2}$  |              |           |                           |
| February       | "         | "                     |              |           |                           |

Nett amount paid into the Treasury as per Treasurer's receipts.

|              |      |          |                                  |          |             |
|--------------|------|----------|----------------------------------|----------|-------------|
| August 16    | 1841 | 1,536 34 | February 12                      | 1844     | 2,088 32    |
| February 12  | 1842 | 1,368 44 | March 18                         | "        | 7 600 60    |
| " 24         | "    | 839 46   | April 10                         | "        | 1,668 89    |
| May 9        | "    | 800 00   | " 13                             | "        | 661 68      |
| July 12      | "    | 171 00   | May 1844, should be              | May 1843 | 800 00      |
| September 29 | "    | 14 55    | July 13                          | 1844     | 350 30      |
| November 21  | "    | 808 98   | Cash on hand                     |          | 18 87       |
| April 13     | 1843 | 250 00   |                                  |          |             |
| June 5       | "    | 962 00   | Aggregate amount, Receipts and   |          |             |
| August 15    | "    | 185 00   | cash                             |          | 21,027 79   |
| December 8   | "    | 903 35   | Commission at 3 per ct. retain'd |          | 650 34      |
|              |      |          |                                  |          | \$21,678 13 |

You refer me to the Act of Assembly of 1840, and ask me to give a clear and decided report of the condition of the debtors as solvent, doubtful or otherwise. In my report to you on this subject, under date of May, 1843, I represented some bonds as totally insolvent, which have since been assumed by solvent men, and in some instances full payment has been made; others reported to be good, have since become doubtful; so that the changes in this way are so very frequent as to make it exceedingly difficult to report any thing definite on this subject. I would, however, be safe in expressing the belief that many of the bonds may be considered doubtful. Yet there is but little if any land that has been entirely abandoned or permitted to run to waste. Some of the original purchasers have left the State, and in some instances failed to introduce warrantable

endorsers to their bonds. Many have transferred their lands to such as are able to pay the State, and have subjected themselves so to do.

To present the result of long and careful observation and inquiry on this subject, would be to give it as my opinion that much the greater portion of these bonds should be regarded as good.

Under the influence of the Act of 1842, on the subject of the payment of interest, it was predicted that many of the debtors would leave the State and abandon the land rather than stand suits on so many debts, made by others for whom they stood security. The prediction was not verified in but few if any cases; though had the belief generally prevailed that all who failed to pay the interest would have been sued, then likely the prediction would have proved true.

Without wishing to be considered obtrusive, I would most respectfully suggest whether it would not be to the interest of the State and greatly contribute to the prosperity of the debtors, for the Legislature to entirely release all the securities. For we may recollect that the debtors are not one sort of men having another for their security, but they are both the same; and few are more than able to pay the bonds to which they are principal; it must happen that where one fails, his debt must fall on his security, who, probably, owes already as much as they are able to pay, and with this additional debt they must fail also; whereas if only the principal were bound in this case, the first failure would not affected any other debtor, and only the land of one would have reverted to the State, while the others would have paid for theirs.

With regard to the surveyed unsold Cherokee lands such as were obtained by the treaties of 1817 & 1819, and the Indian reservations in said Territory, I would suggest the propriety of the Legislature permitting them to be entered at the price now fixed by law for vacant lands. For information in regard to the quality of these lands, see report of Commissioners of Sale to the Legislature in 1838.

So far as regards the territory obtained by the treaty of 1835, there is, according to the aforesaid report, surveyed and remaining unsold, thirty thousand and four hundred and forty-eight acres. As the Legislature convenes but once in two years, I would ask whether it would not be to the interest of the State for the next Legislature to authorize an additional survey of all such lands as might be considered worth fifty cents per acre, in tracts of not less than one hundred





LEGISLATURE OF NORTH CAROLINA.

IN SENATE, DEC. 7, 1844.

REPORT.

OF

THE PUBLIC TREASURER,

SHEWING THE

AMOUNT OF STOCK

HELD BY THE STATE

IN INCORPORATED COMPANIES, &c.

TREASURY DEPARTMENT OF N. C. }  
5th Sept. '44. }

SIR,

I communicate herewith, in accordance with the resolution of your honorable body of this date, this day handed to me, the whole amount of stock held by the State in Incorporated Companies; the amount in each company, and the fund to which it belongs, and what investments have been made since last Legislature, and the sums remaining uninvested, and the several sums or debts due the State (except bonds for Cherokee Lands) and the fund to which they belong.

I have the honor to be,

Very respectfully,

Your faithful servant,

JNO. H. WHEELER, *Pub. Treas.*

Hon. the Speaker of the Senate.

Present.



## STATEMENT OF STOCKS, &c.

### I. LITERARY FUND.

5,322 shares of stock in Bank of Cape Fear,

5,027 do do in the Bank of the State of N. C.

165,300 dollars in bonds of the Raleigh and Gaston Rail Road Company, endorsed by the State,

137,000 dollars in bonds of the Wilmington and Raleigh Rail Road Company,

650 shares of stock in the Cape Fear Navigation Company,

500 do do in the Roanoke Navigation Company,

6,000 shares in stock of the Wilmington and Raleigh Rail Road Company,

15,000 dollars in Clubfoot and Harlow Creek Canal Company.

Notes in hands of Liter'y Board for loans made by said Board, (see Report of the President of said Board, 1st Dec. 1842,) \$112,772 27½

The above belong and constitute the Literary Fund; and a further reference is respectfully made by the undersigned to the report submitted by him this session, and to the report made or to be made by the Literary Board.

### II. INTERNAL IMPROVEMENT FUND.

112 shares in Bank stock of Bank of Cape Fear.

Notes in hands of Board of Internal Improvements for loans made by said Board, (see report of Public Treasurer, made 10th Dec. 1840) \$30,761 52.

The above constitute the Fund of Internal Improvement.

### III. PUBLIC FUND.

10 shares of stock in Bank of Cape Fear,

100 do do in Buncombe Turnpike Company,

50,000 dollars in Bonds of the Wilmington and Raleigh Rail Road Company, endorsed by the State, principal due 1st Jan. 1844, and paid by me.

Notes of Individuals, as per Public Treasurer's report to this General Assembly (except Cherokee bonds) \$4,515 23¼.

The above belongs to the Public Fund.

The investments since the last Legislature consist of 27 shares of stock purchased by the Literary Board in the Bank of the State of North Carolina, and 50,000 dollars by same in the bonds of the Wilmington and Raleigh Rail Road Company, already alluded to.

There was to the credit of the Literary Fund, on 1st Nov. last, as  
 appears by my report to this Legislature, the sum of 64,329 40  
 To the credit of the Fund of Internal Improvement 51,166 01

LITERARY FUND

\$115,495 41

But from this deduct the balance due Pub. Treasurer, 70,954 97

\$44,540 44

Leaves a balance of

Which has been and still is used, to meet the current expenses and  
 liabilities of the State

Respectfully submitted,

JNO. H. WHEELER, *Pub. Treas.*



TO THE LEGISLATURE OF NORTH CAROLINA

IN SENATE, DEC. 14, 1844

REPORT

J. H. WHEELER, F. S. C.

THIS PUBLIC DEBT

TRANSMITTING THE

NAMES OF ORIGIN OF BONDS

TO SECURE THE STATE AGAINST

LIABILITY INCURRED FOR THE F. & G. RAILROAD

RAILROAD

THOS. J. LEMAY, PRINTER TO THE LEGISLATURE.

No. 33.

---

LEGISLATURE OF NORTH CAROLINA,

IN SENATE, DEC. 14, 1844.

---

REPORT

OF

THE PUBLIC TREASURER

TRANSMITTING THE

NAMES OF OBLIGORS OF BONDS

TO SECURE THE STATE AGAINST

LIABILITY INCURRED FOR THE R. & G. RAIL ROAD

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RALEIGH:

THOS. J. LEMAY, PRINTER TO THE LEGISLATURE.

---

1844.



TREASURY DEPARTMENT OF N. C. }  
7th Dec. '44. }

As required by a resolution of your honourable body, of yesterday, I have the honor to report to the Senate the names of the obligors of the bonds given to indemnify the State against any loss or damage that may come to the same, in consequence of the endorsement by the State of the bonds of the Raleigh and Gaston Rail Road Company, for five hundred thousand dollars, and the sum for which each obligor is liable.

This Department is also required by the same resolution to furnish any information in its possession relative to the insolvency of any of said obligors. All the information in this Department is furnished by the papers themselves.

I have the honor to be,

your faithful servant.

Pub. Treas.

The Speaker of the Senate.

## LIST OF THE OBLIGORS

To the bonds given to indemnify the State of No. Carolina, against any loss or damage that may come to the same in consequence of the endorsement of the State of the bonds of the Raleigh and Gaston Rail Road Company, for the sum of 500,000 dollars, which bonds were deposited in the office of the Public Treasurer, on the 30th April, 1841.

| No. | Names.                            | Amounts. |      |
|-----|-----------------------------------|----------|------|
|     |                                   | Dolls.   | Cts. |
| 1   | Robert P. Hughes                  | 200      | 00   |
| 2   | John D. Tucker                    | 200      | 00   |
| 3   | Wm. Hill                          | 200      | 00   |
| 4   | C. W. D. Hutchings                | 400      | 00   |
| 5   | Jos. Bragg and others             | 500      | 00   |
| 6   | Quinn, Morton & Co.               | 500      | 00   |
| 7   | John D. Hawkins                   | 500      | 00   |
| 8   | J. W. Hawkins, Guard.             | 500      | 00   |
| 9   | James Wyche                       | 500      | 00   |
| 10  | Jesse Brown                       | 500      | 00   |
| 11  | W. F. Clark                       | 500      | 00   |
| 12  | Theo. H. Snow                     | 500      | 00   |
| 13  | Wm. Peck                          | 500      | 00   |
| 14  | James D. Newsom                   | 500      | 00   |
| 15  | J. A. Campbell                    | 500      | 00   |
| 16  | Thomas G. Scott                   | 500      | 00   |
| 17  | H. D. Bird and others             | 1,000    | 00   |
| 18  | Hurt, Patterson, Wills and others | 1,000    | 00   |
| 19  | D. R. Newsome                     | 1,000    | 00   |
| 20  | John E. Twitty                    | 1,000    | 00   |
| 21  | Thomas T. Twitty                  | 1,000    | 00   |
| 22  | Delia Haywood,                    | 1,000    | 00   |
| 23  | C. Robinson                       | 1,000    | 00   |
| 24  | Wm. Montgomery                    | 1,000    | 00   |
| 25  | Wm. Hays                          | 1,000    | 00   |
| 26  | John S. Eaton                     | 1,000    | 00   |
| 27  | R. H. Mosely and others           | 1,000    | 00   |
| 28  | W. N. Edwards                     | 1,000    | 00   |
| 29  | N T Green                         | 1,000    | 00   |
| 30  | J Powell                          | 1,000    | 00   |
| 31  | A Jones                           | 1,000    | 00   |
| 32  | B B Smith                         | 1,000    | 00   |
| 33  | John Wilkins                      | 1,000    | 00   |
| 34  | R. T. Saunders                    | 1,000    | 08   |
| 35  | R. W. Ashton                      | 1,000    | 00   |
| 36  | Wm. D. Haywood                    | 1,000    | 00   |



## [A CONTINUED.]

| No.                | Names.                   | Amts.<br>Dolls. Cts. |
|--------------------|--------------------------|----------------------|
| 37                 | George Little            | 1,000 00             |
| 38                 | John Hinton              | 1,000 00             |
| 39                 | A. Page                  | 1,000 00             |
| 40                 | Daniel Turner            | 1,500 00             |
| 41                 | Geo. E. Spruill          | 1,500 00             |
| 42                 | R. W. Haywood            | 1,500 00             |
| 43                 | T. Lane                  | 1,500 00             |
| 44                 | J. W. Hawkins            | 2,000 00             |
| 45                 | J. M. Hawkins            | 2,000 00             |
| 46                 | J. Buffalow              | 2,000 00             |
| 47                 | C. Dewey                 | 2,000 00             |
| 48                 | H. Mordecai              | 2,000 00             |
| 49                 | R. Saunders              | 2,500 00             |
| 50                 | Turner and Hughes        | 2,500 00             |
| 51                 | Wm. Thompson             | 2,500 00             |
| 52                 | E. P. Guion              | 2,500 00             |
| 53                 | Edwin James and others   | 3,000 00             |
| 54                 | B. Saunders              | 3,000 00             |
| 55                 | Wm. Robards              | 3,000 00             |
| 56                 | Geo. E. Badger           | 3,000 00             |
| 57                 | S. S. Dowey              | 3,800 00             |
| 58                 | H. and T. Lane           | 4,000 00             |
| 59                 | H. W. Mordecai           | 4,000 00             |
| 60                 | P. C. Spencer and others | 5,000 00             |
| 61                 | J. Comman                | 5,000 00             |
| 62                 | Sarah Polk               | 6,000 00             |
| 63                 | Geo. W. Polk             | 6,300 00             |
| 64                 | T. P. Devereux           | 8,000 00             |
| 65                 | Wm. Boylan               | 8,000 00             |
| 66                 | J. & W. Peace            | 10,000 00            |
| 67                 | Thos. D. Bennehan        | 10,000 00            |
| 68                 | Wm. M. Green             | 10,000 00            |
| 69                 | D. Cameron               | 12,000 00            |
| 70                 | Geo. W. Mordecai         | 15,000 00            |
| 71                 | Wm. H. Battle            | 1,000 00             |
|                    |                          | 111,100 00           |
| SUBSCRIBERS BONDS. |                          |                      |
| 1                  | J. S. Kearney            | 75 00                |
| 2                  | J. A. Spencer            | 100 00               |
| 3                  | Thos. Newton             | 100 00               |
| 4                  | M. Watkins               | 125 00               |
| 5                  | Julius H. Carter         | 150 00               |

## [A CONTINUED.]

| No. | Dolls. | Names.                           | Names.                   | Amounts. |      |
|-----|--------|----------------------------------|--------------------------|----------|------|
|     |        |                                  |                          | Dolls.   | Cts. |
| 6   | 100    | S. Joyner                        | George Little            | 150      | 00   |
| 7   | 100    | A. Butler                        | John Hinton              | 185      | 00   |
| 8   | 100    | Jas. A. Johnson                  | A. Page                  | 190      | 00   |
| 9   | 500    | L. Joyner                        | Daniel Turner            | 200      | 00   |
| 10  | 500    | J. D. Tucker                     | Geo. E. Spauld           | 200      | 00   |
| 11  | 500    | J. S. Jones                      | R. W. Haywood            | 200      | 00   |
| 12  | 500    | M. Winston                       | T. Lane                  | 200      | 00   |
| 13  | 500    | A. Winston                       | J. W. Hawkins            | 200      | 00   |
| 14  | 500    | Geo. Kittrel                     | J. M. Hawkins            | 200      | 00   |
| 15  | 500    | Robt. Harrison                   | J. Burshaw               | 250      | 00   |
| 16  | 500    | H. Cook                          | C. Dewey                 | 400      | 00   |
| 17  | 500    | F. Hawkins                       | H. Mordcau               | 500      | 00   |
| 18  | 500    | Jas. B. Hawkins                  | R. Saunders              | 500      | 00   |
| 19  | 500    | N. N. Southall                   | T. Turner and Hughes     | 500      | 00   |
| 20  | 500    | Phil. Hawkins                    | Wm. Thompson             | 500      | 00   |
| 21  | 500    | D. A. Paschall                   | E. P. Green              | 500      | 00   |
| 22  | 500    | E. T. Marable                    | John James and others    | 500      | 00   |
| 23  | 500    | H. H. Hight                      | B. Saunders              | 500      | 00   |
| 24  | 500    | Robert Freear                    | Wm. Robards              | 500      | 00   |
| 25  | 500    | Butler and Young                 | Geo. E. Barker           | 500      | 00   |
| 26  | 500    | Thomas Carrol                    | S. L. Joyner             | 500      | 00   |
| 27  | 500    | Wesley Hollister                 | H. and T. Lane           | 1,000    | 00   |
| 28  | 500    | Charles Skinner                  | H. W. Mordcau            | 1,000    | 00   |
| 29  | 500    | D. S. Crenshaw                   | P. C. Spencer and others | 1,000    | 00   |
| 30  | 500    | C. Robinson                      | J. Cotnam                | 1,000    | 00   |
| 31  | 500    | H. L. Robards                    | Salah Polk               | 1,000    | 00   |
| 32  | 500    | Thomas Miller                    | Geo. W. Polk             | 1,000    | 00   |
| 33  | 500    | A. E. Henderson                  | T. P. Devaux             | 1,000    | 00   |
| 34  | 500    | A. B. Hawkins                    | Wm. Boylan               | 1,000    | 00   |
| 35  | 500    | J. Stantorn                      | J. W. Pace               | 1,000    | 00   |
| 36  | 500    | J. B. Debnam                     | Thos. D. Henson          | 1,000    | 00   |
| 37  | 500    | W. H. Robards                    | Wm. M. Green             | 1,000    | 00   |
| 38  | 500    | J. W. Weaver                     | D. Cameron               | 1,000    | 00   |
| 39  | 500    | P. L. Reavis                     | Geo. W. Mordcau          | 1,000    | 00   |
| 40  | 500    | J. Nutall                        | Wm. H. Baine             | 1,000    | 00   |
| 41  | 500    | R. H. Mosely                     |                          | 1,000    | 00   |
| 42  | 500    | A. C. Phipps                     |                          | 1,000    | 00   |
| 43  | 500    | James Wyche                      |                          | 1,000    | 00   |
| 44  | 500    | Winston, Montgomery, and Company |                          | 1,000    | 00   |
| 45  | 500    | S. Winston                       |                          | 1,000    | 00   |
| 46  | 500    | N. T. Green                      | J. S. Kearney            | 1,000    | 00   |
| 47  | 500    | J. A. Campbell                   | J. A. Spencer            | 1,000    | 00   |
| 48  | 500    | George Little                    | Thos. Newton             | 1,000    | 00   |
| 49  | 500    | W. D. Haywood                    | M. Watkins               | 1,000    | 00   |
| 50  | 500    | C. L. Hinton                     | Julius H. Carter         | 1,000    | 00   |



## [A CONTINUED.]

| No.                                  | Names.                 | Amounts. |      |
|--------------------------------------|------------------------|----------|------|
|                                      |                        | Dolls.   | Cts. |
| 51                                   | Wm. M. Alston          | 1,200    | 00   |
| 52                                   | S. F. Patterson        | 1,500    | 00   |
| 53                                   | A. Yarborough          | 1,600    | 00   |
| 54                                   | Jesse Powell           | 1,600    | 00   |
| 55                                   | John S. Eaton          | 2,000    | 00   |
| 56                                   | W. Crenshaw            | 2,000    | 00   |
| 57                                   | J. T. Starks           | 2,000    | 00   |
| 58                                   | Jas. M. Hawkins        | 2,000    | 00   |
| 59                                   | Lewis Reavis           | 2,000    | 00   |
| 60                                   | P. P. Perry            | 2,000    | 00   |
| 61                                   | A. Perry               | 2,000    | 00   |
| 62                                   | M. Collins             | 2,000    | 00   |
| 63                                   | George D. Baskerville  | 2,000    | 00   |
| 64                                   | J. Comman              | 2,000    | 00   |
| 65                                   | Thomas Turner          | 2,000    | 00   |
| 66                                   | J. S. Eaton            | 2,300    | 00   |
| 67                                   | Wm. F. Hilliard        | 5,000    | 00   |
| 68                                   | A. Yarboro             | 5,000    | 00   |
| 69                                   | D. Cameron and others  | 5,000    | 00   |
| 70                                   | Jas. Poe and others    | 5,000    | 00   |
| 71                                   | John D. Hawkins        | 5,000    | 00   |
| 72                                   | P. E. A. Jones         | 5,000    | 00   |
| 73                                   | H. T. Royster          | 5,000    | 00   |
| 74                                   | Geo. W. Mordicai       | 5,500    | 00   |
| 75                                   | J. Perry               | 6,000    | 00   |
| 76                                   | Thos. T. Twitty        | 6,400    | 00   |
| 77                                   | Wm. Robards            | 6,500    | 00   |
| 78                                   | J. C. Rodgers          | 10,000   | 00   |
| 79                                   | Jos. W. Hawkins        | 10,000   | 00   |
| 80                                   | D. W. Stone            | 10,000   | 00   |
| 81                                   | J. E. Twitty           | 12,000   | 00   |
| 82                                   | Winston and Montgomery | 2,500    | 00   |
| 83                                   | Wm. Robards and others | 175,025  | 00   |
| Subscribers                          |                        | 341,050  | 00   |
| Stockholders                         |                        | 176,100  | 00   |
|                                      |                        | 517,150  | 00   |
| Deduct amount credited on large bond |                        | 17,150   | 00   |
|                                      |                        | 500,000  | 00   |

With these bonds there is filed the following :

"STATE OF NORTH CAROLINA, ss.

I, John M. Morehead, Governor, &c. of the State aforementioned, do hereby certify that I have examined the Bonds of which the within is a list, and from the best information I have been able to obtain upon due enquiry, do certify to the Public Treasurer, that in my opinion the obligors to said Bonds are able to pay the amounts secured by said Bonds.

J. M. MOREHEAD."

April 30th, 1841.

|            |    |                         |    |
|------------|----|-------------------------|----|
| 2,000 00   | 50 | W. C. Graham            | 50 |
| 2,000 00   | 51 | Jas. M. Hawkins         | 51 |
| 2,000 00   | 52 | Lowis Roberts           | 52 |
| 2,000 00   | 53 | R. P. Berry             | 53 |
| 2,000 00   | 54 | A. Perry                | 54 |
| 2,000 00   | 55 | M. Collins              | 55 |
| 2,000 00   | 56 | George D. Haskerville   | 56 |
| 2,000 00   | 57 | J. G. Gorman            | 57 |
| 2,000 00   | 58 | Thomas Turner           | 58 |
| 2,300 00   | 59 | J. S. Eaton             | 59 |
| 2,000 00   | 60 | Wm. E. Hilliard         | 60 |
| 2,000 00   | 61 | A. Yarbrough            | 61 |
| 2,000 00   | 62 | D. Campbell and others  | 62 |
| 2,000 00   | 63 | Jas. Leonard and others | 63 |
| 2,000 00   | 64 | John B. Hawkins         | 64 |
| 2,000 00   | 65 | P. E. A. Jones          | 65 |
| 2,000 00   | 66 | H. T. Royster           | 66 |
| 2,500 00   | 67 | Geo. W. Alford          | 67 |
| 2,000 00   | 68 | J. Berry                | 68 |
| 2,400 00   | 69 | Thos. T. Twitty         | 69 |
| 2,500 00   | 70 | Wm. Roberts             | 70 |
| 10,000 00  | 71 | J. C. Roberts           | 71 |
| 10,000 00  | 72 | Jos. W. Hawkins         | 72 |
| 10,000 00  | 73 | D. W. Spenser           | 73 |
| 12,000 00  | 74 | J. E. Twitty            | 74 |
| 2,500 00   | 75 | Winston and Montgomery  | 75 |
| 175,025 00 | 76 | Wm. Roberts and others  | 76 |
| 241,020 00 | 77 | Jas. W. Hawkins         | 77 |
| 176,100 00 | 78 | J. S. Jones             | 78 |
| 517,150 00 | 79 | J. E. Twitty            | 79 |
| 17,150 00  | 80 | Wm. Roberts and others  | 80 |
| 200,000 00 | 81 | Jas. W. Hawkins         | 81 |

Subscribers  
Stockholders

Deduct amount credited on large bond



Bonds of Stockholders of the Raleigh & Gaston Rail Road Company not renewed and sued upon in Wake Superior Court.

| Names.                            | Residence.          | Amount.   |
|-----------------------------------|---------------------|-----------|
| Geo. W. Polk                      |                     | 6300      |
| P. C. Spencer et als.             | Petersburg, Va.     | 5000      |
| Thomas T. Twitty &                |                     |           |
| Jno. E. Twitty                    |                     |           |
| William Robards                   | Granville co. N. C. | 3000      |
| Edwin James                       | Petersburg, Va.     | 3000      |
| E. P. Guion                       | Raleigh, N. C.      | 2500      |
| William Thompson                  | "                   | 2500      |
| Anderson Page                     | Wake county         | 1000      |
| William D. Haywood                | Raleigh, N. C.      | 1000      |
| Richard W. Ashton                 | "                   | 1000      |
| Jesse Brown                       | "                   | 500       |
| William F. Clark                  | "                   | 500       |
| William Peck                      | "                   | 500       |
| Hurt, Patterson & Wills et als. } | Petersburg, Va.     | 1000      |
| Branch T. Hurt,                   |                     |           |
| Jno. H. Patterson                 |                     |           |
| Peter B. Wills                    |                     |           |
| Wm. Robards,                      |                     |           |
| Horace Robards                    |                     |           |
| D. R. Newsom }                    | "                   | 1000      |
| Wm. Robards }                     |                     |           |
| Jesse Powell                      | dead, Wake,         | 1000      |
| William Montgomery                | Granville or Warren | 1000      |
| John Wilkins                      | Orange,             | 1000      |
| Jos. W. Hawkins, Guard'n, &c      | dead, Warren,       | 500       |
| Quin Morton & }                   | Petersburg, Va.     | 500       |
| John S. Eaton }                   | Granville           |           |
| *William Robards }                |                     |           |
| Horace L. Robards Ex'r }          |                     |           |
| Joseph W. Hawkins                 |                     |           |
| John S. Eaton                     |                     |           |
| John E. Twitty                    |                     |           |
| Thomas T. Twitty                  |                     |           |
| & Geo. W. Mordecai                |                     | \$175,025 |

\* Upon this bond there are two credits.

30th Apl. 1841, of \$17,150 00, it being the excess over five hundred thousand dollars.

30th Apl. 1843, of 109,122 00 being the amount of bonds substituted by virtue of a resolution ratified the 25th Jan. 1843.

## B. CONTINUED.

|                    |                     |       |
|--------------------|---------------------|-------|
| John C. Rogers     | Washington City     | 10000 |
| William Robards    | Dead                | 6500  |
| H. T. Royster,     | Granville co.       | 5000  |
| P. E. A. Jones     | do                  | 5000  |
| James Poe          | Richmond, Va.       |       |
| Thomas Sampson     |                     |       |
| Wm. J. Bun &       |                     |       |
| Joseph W. Hawkins  |                     |       |
| Arch Yarbrough     | Dead, (Warren)      | 5000  |
| Jesse Powell       | Dead, Franklin      | 5000  |
| Archd Yarbrough    | Dead, Wake          | 1600  |
| William D. Haywood | Dead,* Franklin     | 1600  |
| James Nuttall      | Raleigh             | 1000  |
| Thomas Carroll     | Granville or Warren | 1000  |
| Robt. Freear       | Warren              | 500   |
| N. N. Southal      | Granville           | 500   |
| Anthony Winston    | Dead, Granville     | 500   |
| Moses Winston      | Franklin            | 200   |
| John Wilkins       | do                  | 200   |
| John D. Tucker     | Orange              | 1000  |
| Julius H. Carter   | Warren              | 200   |
|                    |                     | 150   |

\* Upon this bond there are two credits.  
 30th Apl. 1841, of \$17,150.00, it being the excess over five hundred thousand dollars.  
 30th Apl. 1842, of 109,123.00 being the amount of bonds submitted by virtue of a resolution ratified the 25th Jan. 1843.











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LEGISLATURE OF NORTH CAROLINA.

IN THE HOUSE OF COMMONS, DECEMBER 14, 1844.

---

A BILL

Providing for the re-organization of the Portsmouth and Roanoke  
Rail Road Company.

[Made the special order of the day for Friday, the 20th inst.]

*Whereas*, The Portsmouth and Roanoke Rail Road Company is  
2 laboring under the pressure of heavy embarrassments, which  
3 greatly injure and impair its public utility, and from which it is  
4 represented that it may be relieved by a new organization, where-  
5 by the public interests of this State may be protected and contin-  
6 ued, and without injustice to its creditors:

*Be it therefore enacted by the General Assembly of the State*  
2 *of North Carolina, and it is hereby enacted by the authority of*  
3 *the same*, That the Governor of the State is hereby authorized to  
4 appoint a commissioner, on behalf of this State, to act with such  
5 commissioner as may be appointed by the State of Virginia in that  
6 behalf.

Section II. That said commissioners shall have and they are  
2 hereby invested with full power and authority to expose to pub-  
3 lic sale, at such time and place as shall be agreed on by them, the  
4 said Portsmouth and Roanoke Rail Road, including the Weldon  
5 Bridge, with all the property, privileges, rights, franchises, and  
6 immunities now appertaining or belonging to said company: *pro-*  
7 *vided however*, that the engines and cars shall be sold separate  
8 and apart from said Road.

Section III. The purchaser of said Road, together with such  
2 other person or persons whom the State of Virginia may associate  
3 with him by any law to be passed before the sale aforesaid, shall  
4 be a body corporate, under the name and style of the present  
5 Company, and shall hold said Rail Road for the residue of the  
6 time yet unexpired for which the present charter was granted  
7 by this State, with all the franchises, privileges, rights and



8 immunities, granted and conferred at any time heretofore by  
9 this State and the State of Virginia, subject in all respects and  
10 in every thing to all the duties, regulations and penalties, requir-  
11 ed, prescribed and imposed by any law or laws now in force re-  
12 specting the present Company.

Section IV. The State of Virginia may fix the amount of cap-  
2 ital stock of the Company thus formed, and declare the number of  
3 shares; *provided, however*, that said stock shall not exceed six  
4 hundred thousand dollars, nor be less than three hundred thou-  
5 sand; nor shall any share be less than one hundred dollars,  
6 nor more than two hundred dollaars; *and provided further*,  
7 that there shall be no less than twenty stockholders,  
8 no one of whom shall hold more than one half of the stock;  
9 and the said State may permit the creditors and stockhold-  
10 ers of the present Company, by any act to be passed before the  
11 sale aforesaid, to become stockholders in the new company, upon  
12 such terms and to such amounts of debt and stock as the said  
13 State may prescribe: *provided, however*, that if creditors of the  
14 present Company shall be permitted to subscribe their debts or  
15 any portion thereof as stock, there shall be no distinction amongst  
16 them, or preference of one over another; and if the present stockhol-  
17 ders, or any of them, be permitted to subscribe their stock or any  
18 portion thereof as stock, there shall also be no distinction amongst  
19 them, or preference of one over another.

Section V. The purchaser of the road, bridge &c. before any  
2 title shall be made to him, whatever be the price thereof, shall exe-  
3 cute bond, with good security to be approved of by the commis-  
4 sioners aforesaid, payable to "the President and Directors of the  
5 Literary Fund of North Carolina," for securing the sum due to  
6 them, together with interest thereon; and this sum, if the road,  
7 bridge, &c shall bring that amount, shall be deducted from the  
8 purchase money, and the residue thereof, with the proceeds of  
9 sale of all other property, sold by the said commissioners, and  
10 such additional sums as may be added to the fund, shall be ap-  
11 plied in satisfaction and payment of all other debts against the pre-  
12 sent Company, according to such preferences as by law they may  
13 be respectively entitled to on the day of sale.

Section VI. The sale may be made on such credit, not exceed-  
2 ing three years, as may be agreed on by the commissioners, and  
3 bond with good security shall be executed for the purchase mo-  
4 ney.

Section VII. Such sale shall not take place unless a majority of the stockholders in value in general meeting to be called for that purpose, after twenty days' notice in two newspapers, shall assent in writing; and when the sale shall be made, the president and directors, upon requirement of the commissioners aforesaid, shall convey and assign all the right, title and interest of the present Company in and to said Rail Road, Bridge, and franchises, to the new Company, and all the right, title and interest in and to any other property of the present Company which may be sold, to the purchasers thereof.

Section VIII. All suits and actions whatsoever which may be pending, brought and prosecuted either by or against the present Company at the time of sale, may be prosecuted to final decision as though this act had never passed; and all such recoveries as may be effected by the Company shall be added, after payment of charges of prosecution, to the fund arising from the sale hereby authorized; and all debts then due said Company may be recovered in the name of the present Company, and the recoveries which may be effected shall be added in like manner to said fund.

Section IX. Any person injuring the Rail Road in the State, after the formation of the new Company hereby contemplated, shall be subject to the same actions for penalties and damages as are now allowed for injuries to the present Road; and the said actions shall be sued and prosecuted in the manner now prescribed; and all such acts as are now offences against the State, when done to any part of the present Road in this State, shall be offences when done under the same circumstances to any part of the road, after the formation of the Company aforesaid, and shall be indictable and punishable in like manner.

Section X. This act shall be in force from and after its ratification; and from and after the sale hereby provided to be made, all laws and clauses of laws inconsistent with this act, shall be, and are hereby repealed.





## LEGISLATURE OF NORTH CAROLINA,

IN SENATE, DECEMBER 17, 1844.

## REPORT

OF

## THE PUBLIC TREASURER

ON THE MONEY RECEIVED

BY THIS STATE UNDER THE DEPOSITE ACT, &amp;c.

TREASURY DEPARTMENT OF N. C. }  
17th Dec. '44. }

Sir :

As required by the resolution of the Senate of yesterday, I have the honor to report that the amount of money deposited with North Carolina by the General Government under the deposite Act of Congress of 1836, was

\*\$1,433,757 39

† and this sum was thus disposed of :

|                                             |                      |
|---------------------------------------------|----------------------|
| For redemption of State Stock,              | 300,000 00           |
| Subscription to Stock in Bank of Cape Fear, | 300,000 00           |
| Literary Fund,                              | 200,000 00           |
| Internal Improvement Fund,                  | 533,757 39           |
| Public Fund,                                | 100,000 00           |
|                                             | <hr/> \$1,433,757 39 |

The distributive share of North Carolina, by said act, is stated on the books of this Office to be

\$477,919 39

Respectfully submitted,

JNO. H. WHEELER,

Pub. Treasurer.

Hon. the Speaker of the Senate.

\* See Gov. Dudley's Message of 1838:

" Treasurer's Report of 1838.

† " Acts of 1837.









## LEGISLATURE OF NORTH CAROLINA

HOUSE OF COMMONS, Dec. 31st, 1844

Read, and on motion of Mr. Lusk, ordered to be printed.

## MESSAGE

FROM

GOVERNOR MOREHEAD

OF THE SUBJECT OF

ASYLUMS FOR THE DEAF &amp; DUMB, BLIND &amp; INSANE

To The Honorable

Speaker of the House of Commons

I have the honor to acknowledge the receipt of a resolution of the House of Commons, Resolving, "that it is the duty of the General Assembly of this State, as soon as the condition of the public treasury will allow, to make appropriations for erecting suitable buildings for asylums for the deaf and dumb, the blind and the in-

"sane."

"Resolved Further, That His Excellency the Governor be requested to give this House all the information in his possession as to the probable cost of building suitable edifices for these purposes, and also to communicate to the General Assembly any other information in his possession on the subject."

As to the first Resolution, I hope I may be indulged in expressions of the highest gratification at its adoption by the House of Commons; and I feel well assured that it will meet the most hearty approbation of every good citizen in the State; and I regret, deeply regret, that in replying to the second resolution, I am unable to give that information which the House desires; at least to give such information as might be deemed accurate, and upon which reliance might be placed with confidence.

I am not aware of any information in this office, that will aid me

LEGISLATURE OF NORTH CAROLINA,

HOUSE OF COMMONS, Dec. 31st, 1844.

Read, and, on motion of Mr. Littlejohn, ordered to be printed.

MESSAGE

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ASYLUMS FOR THE DEAF & DUMB, BLIND & INSANE.

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*Speaker of the House of Commons.*

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I am not aware of any information in this office, that will aid me



n making the reply ; and, therefore, any reply I may make will be merely a matter of opinion.

Never having visited institutions of the kind, I am unable to say whether buildings for the accommodation of such persons are more expensive in their construction than others ; but I should suppose they were not, if proper plans were adopted before the commencement of the buildings, and then the buildings raised according to the plan ; and it is equally difficult to say what would be the extent of the buildings that would be required.

From the last census, it appears there are in this State—

|                                      |           |
|--------------------------------------|-----------|
| Deaf and Dumb—under 14 years of age, | 83        |
| “ between 14 & 25, do.,              | 82        |
| “ over 25 do.,                       | 118       |
|                                      | <hr/> 283 |
| Blind, “ “                           | 223       |
| Insane, supported at private charge, | 428       |
| Do. do. public charge,               | 154       |
|                                      | <hr/> 582 |

What number of these persons would be educated and maintained at public expense, I cannot pretend to say ; and, therefore, can give no adequate idea of the cost of suitable edifices for their accommodation.

If it be any aid to the House to give the cost of other large edifices, whereby they may judge of the probable cost of such as they may deem necessary, I would mention that the large brick and two stone buildings on the west of this city, now occupied as a female seminary, cost a little upwards of \$30,000 : this would accommodate a large number of persons ; and, I doubt not, such buildings could be now built much cheaper.

The Methodist Female College in Greensboro', just finished, three stories high, of brick, and about 50 × 135 feet, with out-houses and enclosure, cost about \$13,000. This building, I suppose, would accommodate one hundred persons.

Judging of the cost of this building, I should suppose that \$50,000 would erect such as were indispensably necessary ; and that \$75,000 would erect buildings ample for all purposes.

If this subject be referred to my successor, to procure information relative thereto, to be laid before the next Legislature, I doubt not he

will procure some valuable information, upon which reliance may be placed.

The interesting exhibitions which the members of the Legislature have witnessed during the present session, show to what extent and with what facility the blind can be taught to read and be instructed in various learning, music &c., and how easily the dumb can be educated and taught to communicate their ideas by writing and by signs. These exhibitions must have enlisted the feelings of every philanthropist in the cause of their education.

From the present condition of our Treasury, it may be deemed by some inexpedient to take any steps for the relief of these classes of our population; but is it right, that, because it is not entirely convenient to aid them, they are to be totally neglected? I hope not.

There is a fund belonging to North Carolina, to which she is most justly entitled, not only sufficient to erect all the buildings necessary for the purpose, but likewise sufficient to endow them, so that the most ample and permanent provision could be made for the deaf and dumb, the blind and insane, without our citizens being taxed a dollar for their support.

The fund to which I allude, is the fourth instalment of the surplus revenue.

From the condition of the Treasury of the United States, it is evident that that instalment may be very conveniently paid to the States entitled to the same, in a short time.

The sum to which North Carolina is entitled, is within a fraction of \$478,000, and interest ought to be paid thereon, say for seven years, which would amount to the sum of \$200,760; making an aggregate of \$678,760 00.

Apply \$78,760 00 to the erection of buildings, which will be very ample; there is left still \$600,000, to be invested, the interest of which, \$36,000, annually, will very amply sustain these institutions.

Surely this money could not be more humanely applied; and I would most respectfully suggest the propriety of pressing upon the attention of Congress its speedy payment.

But whether you adopt this or some other course, I cannot but hope that you will not let the present session pass without taking at least some initiatory step for their aid and relief.

To these classes of our population, who are poor and friendless, you stand in the place of parents and guardians: without your aid they have nothing to hope; and shall they look to you in vain?

It is more than probable, that this is the last official communi-



cation I shall have the honor to make to your honorable body. Tomorrow severs the political tie that now unites us. In retiring from the distinguished position I now occupy, I leave it, pleading in behalf of these unfortunate and helpless creatures, who are unable to plead for themselves, and whose happiness or misery awaits your action.

I conjure you, then, by your duties as wise legislators; by all the feelings of humanity and of philanthropy; by the precepts of our holy religion, to resolve never to abandon the seats which you now occupy, nor to behold your own beloved offspring, until you have done your duty towards these afflicted children of Providence, by the adoption of some measure for the improvement and amelioration of their condition.

Very respectfully,

Your obedient servant,

J. M. MOREHEAD.

EXECUTIVE OFFICE,  
Dec. 31st, 1844.

}

FROM

GOVERNOR MOREHEAD

IN RELATION TO THE

COMPENSATION OF THE GOVERNOR AS PRESIDENT

EX OFFICIO OF THE LIBRARY AND

INT'L IMPROVEMENT BOARDS

RALEIGH

THEO. J. LEMAY, PRINTER TO THE LEGISLATURE

No. 56:

LEGISLATURE OF NORTH CAROLINA.

DECEMBER. 31, 1844.

Referred to a select committee of three on the part of each House, and ordered to be printed.

MESSAGE

FROM

GOVERNOR MOREHEAD

IN RELATION TO THE

COMPENSATION OF THE GOVERNOR AS PRESIDENT

EX OFFICIO OF THE LITERARY AND

INT'L IMPROVEMENT BOARDS.

RALEIGH:

THOS. J. LEMAY, PRINTER TO THE LEGISLATURE.

1844.





## MESSAGE.

*To the Honorable,  
The General Assembly  
of North Carolina.*

GENTLEMEN,

I found upon my table, on Friday last, a printed document No. 49, herewith transmitted, purporting to be a "correspondence relative to the legal right of the Governor to receive pay as President ex officio of the Literary and Internal Improvement Boards," which is accompanied by copies of a resolution of the Senate, calling upon the public Treasurer "to report to the Senate the correspondence between the Treasurer and his excellency the Governor, relative to the legal right of the Governor to receive per diem compensation, as President ex officio &c., for services rendered upon the Literary and Internal Improvement Boards; and also the opinion of the Attorney General thereupon, together with the amount which his excellency the Governor has received for said service;" and of a letter from the Treasurer to the Speaker of the Senate, in response to that resolution; and of a letter from the Treasurer to myself, and my reply; and of a letter from the Treasurer to the Attorney General, and his reply—together with a statement made by the Treasurer, relative to the sums I have received for my services on these Boards—which statement he professes to make "from the report of the Comptroller to the House of Commons, Dec'r 20, 1842."

As to the question of the Governor's right to compensation, I desire to draw the attention of your honorable body to the law, the practice under the law ever since its passage, and the action of the Legislature on the subject.

I had not heard the question raised, or the matter of the Governor's right to compensation for his services upon either of the Boards, doubted, until the receipt of the Treasurer's letter of 27th January, 1843, declining to pay a warrant drawn by me in pursuance of an order of the Board of Internal Improvement. This letter, proposing to submit the matter to the Legislature then in session, was received on the evening after the House had adjourned to meet at 7 o'clock at night—and the House again adjourned to meet at half after five the next morning, when the Legislature adjourned sine die—and before my reply of 28th to the Treasurer.

Upon this refusal to pay the warrant upon the grounds alleged by the Treasurer, I looked into the law, and the practice under it,



and found no room to doubt. The acts of 1836, Revised Statutes, chapt. 61 and 67, making the Governor ex officio President of the Literary and Internal Improvement Boards, assign duties to the Governor as a member of those Boards, which are wholly disconnected with his executive duties and which he cannot be required to perform, if he choose not to do so. The executive is a separate and independent branch of the government, and the duties of that branch are fixed by the constitution, and the legislative department can no more assign duties to the executive department, which are not executive duties, than the executive department can assign duties to the legislative department; and all duties assigned to the executive by the Legislature which are not executive duties, may or may not be performed by him at his option, without any dereliction of official duty, however discourteous it might be on his part to decline any reasonable request made by the Legislature.

The superintendence, in person, of works of Internal Improvement, the drainage of swamp lands, the banking operations of a loan office, and the various duties assigned the Board of Internal Improvements and the Literary Board, will not be considered, by any person, as executive duties. For if so, there are then as many executive functionaries to discharge these executive duties, as there are members of these Boards.

The duties assigned to the executive as president ex officio of these Boards, I have found very onerous, and responsible. I hesitate not to say, that the duties which I have found it necessary to perform in the faithful discharge of the trust confided to me, as president ex officio of the Literary Board alone—in superintending the loans of the Board, the drainage of the swamp lands, and the great variety of duties, and correspondence connected with the common schools, have imposed upon me more than five fold the amount of labor, and required much more time and attention, than all the duties which properly pertain to the executive office.

The salary of the executive was fixed at the present sum in 1817—the Legislature of 1836 passed the acts by which he became president ex officio of these Boards, and assigned to him the duties which he had to perform. Was it reasonable, was it just in the Legislature to assign to the executive new duties, which were not executive duties, and allow him no compensation for their performance—while it allowed those associated with him pay for discharging similar duties? Was it just to assign him these duties which might require, and have required a considerable expenditure for

travelling expenses, to be paid out of his own private purse? for unless he is entitled to per diem pay, he is not entitled to his travelling expenses while engaged in the service of the State.

Such injustice on the part of the Legislature, was not to be expected, and therefore that body very justly said that "the said Board (Internal Improvement) may hold its sessions wherever and whenever the Governor may direct; and the said commissioners shall receive for their services the sum of three dollars each per day, and their travelling expenses for the time they may be employed in the public service;" and who are these commissioners of Internal Improvement is very evident from the construction of the provision in the 6th section of the 61st chapter; for unless the Governor be one of the commissioners, then the other commissioners of this Board have powers which the president of this Board does not possess. Again, chapt. 67th says the Literary Board shall consist of the Governor, who, by the virtue of his office, shall be president, and "the other members of said Board" shall be appointed by the Governor &c. This act gives no compensation, but chapter 69, sec. 2nd, says "the persons composing the Literary Board, created under an act entitled 'An act to drain the swamp lands of this State, and to create a fund for common schools' shall be entitled to receive the same pay, and under the same regulations, as persons composing the board created under an act entitled 'An act to aid the internal improvements of this State.'" All these acts were passed by the same Legislature of 1836.

No construction of this last act can exclude the Governor from the same pay as other members of the Board, unless it be decided that he is not "*a person, and not a member of the Board.*"

After satisfying myself as to the construction of the acts on the subject, I then looked to the action of the Boards.

These Boards were organized in the early part of the year 1837 by Gov. Dudley. I found besides the President, on the Board of Internal Improvements, Col. Cadwallader Jones and Will. D. Mosely, an eminent lawyer and distinguished citizen. On the Literary Board, beside the President, Gen. William A. Blount, D. W. Stone and Charles Manly, Esqrs.—the two last named gentlemen, distinguished members of the legal profession.

From the organization of the Boards under the acts aforesaid, it has been the unanimous opinion of the members of each Board that the President of the Board was entitled to the same per diem pay as



any other member, and to be allowed his travelling expenses as other members; and they have uniformly ordered the payment.

The Comptroller, an active and vigilant officer, has uniformly put the same construction upon the law, and passed the warrants for the payment of the Governor as a member of these Boards.

The Public Treasurer, who first paid these warrants, D. W. Courts, Esq., a lawyer of distinction, and an officer of great vigilance, did not hesitate to pay them, from the organization of the Board until he retired from office in April, 1839: from which time to the present they have been uniformly and promptly paid, with the one exception referred to in the correspondence. I then had an interview with my predecessor, who had organized the Boards on the subject, when I was informed by him, that upon looking to chap. 61, he found the words "Commissioners" used, as he understood the act, promiscuously, sometimes meaning all the members of the Board, and sometimes meaning only those appointed by the Governor; that he referred the question to distinguished gentlemen of the legal profession, who gave it as their opinion, that he was entitled to compensation for his services.

I then directed my attention to the action of the Legislature and its organs on the same subject. I found all the warrants and vouchers, paying the Governor his per diem for service on these Boards, uniformly passed upon and allowed by the Committees of Finance of the Legislatures of 1838, 1840 and 1842, and acquiesced in by those Legislatures.

And that it may be seen who composed these committees, and passed these vouchers, I give their names.

#### COMMITTEE OF FINANCE IN 1838.

##### *Senate.*

Edmund Jones,  
L. D. Wilson,  
H. G. Spruill,  
J. D. Hawkins,  
William Albright,  
Alfred Dockery,  
Caleb Etheridge,  
Hodge Rabun,

##### *Commons.*

F. J. Hill,  
W. P. Williams,  
J. McWilliams,  
Nathaniel Rand,  
Will. Huggins,  
Isaac Clegg,  
Caleb Matthews,  
L. A. Gwynn.

1840.

H. G. Spruill,  
L. D. Wilson,

J. P. Caldwell,  
Asa Biggs,

W. Albright,  
Robert Melvin,  
Alfred Moye,  
Alfred Hargrave,  
Archibald McDairmaid,  
Thomas Ward,

1842.

S. L. Arrington,  
H. G. Spruill,  
Whitmel Stallings,  
Alfred Moye,  
E. Hester,  
Will. Albright,  
W. P. Dobson,  
John Walker,

Isaac Burns,  
J. L. Foreman,  
David Reid,  
Lewis Thompson,  
Calvin Graves,  
J. O'K. Williams.

Asa Biggs,  
J. P. Caldwell,  
Thomas Wilson,  
Levi Walker,  
J. L. Foreman,  
Peter Scales,  
George Bower,  
Joseph Halsey.

I have given the names of the members of these several Committees of Finance, for the purpose of shewing that they were composed of gentlemen of as good sound practical sense, and some of them of as high legal attainments, as the Attorney General or the Public Treasurer; and as capable as they, of putting a proper construction upon those acts.

Again: In obedience to a resolution of the House of Commons, at its last session, the Comptroller reported to that House, on the 20th December, 1842, the amount which had been received by each member of the Literary Board for the two preceding fiscal years, and is the report from which the Treasurer pretends to have extracted his statements contained in his exhibit D, to which I shall hereafter refer.

This report showed that my predecessor, as well as myself, had been uniformly paid our per diem pay as well as any other members of the Board. It was printed and laid before the members of the House; and although the Legislature did not adjourn until the 28th January, no member of the Legislature took any action upon the matter. Here is a clear sanction, at least, of that branch of the Legislature, that the charge was correct, unless we choose to ascribe to the members of that body a gross dereliction of duty in permitting this wrong charge to pass unnoticed; and to the Committee of Finance, a still grosser fraud upon the Public Treasury in passing vouchers contrary to law.

In addition to these repeated legislative sanctions, I submitted the question to a gentleman of the very highest legal attainments, and



requested his deliberate opinion on the matter. That opinion was given, after due investigation, that the Governor was entitled to the pay, and the same allowance for travelling expenses as any other member of the Boards.

I have, therefore, not hesitated to receive per diem pay, and my travelling expenses, as well as any other member of either Board; being perfectly satisfied of my legal right to receive the same.

I should unquestionably ask a committee to look into the matter, were it not well known, that every Legislature from the passage of the acts to the present one inclusive, have been fully apprised of this charge, and the Acts of Assembly are before you, so that they can be construed by every member for himself; but if it be believed that any further light can be thrown upon the subject, by an investigation, I most respectfully request the appointment of a committee.

As to what purports to be the opinion of the Attorney General, I have been honored with a sight of it, for the first time, since it was printed by order of the Senate. If any such opinion has been given, I can only express surprise, in the first place, that he should have responded to the enquiry as Attorney General of North Carolina, and in the next place, that he should have made such a response.

The question put by the Treasurer was, whether "the Governor is entitled to pay as commissioner." The response is, "Having examined the Acts of Assembly referred to in your favor of the 6th, my opinion is, that the commissioners alone are entitled to the pay allowed by the acts mentioned." The answer is evasive. The direct question is, whether the Governor is to be considered, under the act, a commissioner, and, therefore, entitled to pay? To this no answer is given.

The act directing who shall compose the Literary Board, and the act giving its members pay, say nothing about commissioners; the word is not used in either act in connexion with the members of the Board—and the law says "*the persons composing the Literary Board &c. shall receive pay &c.*" So the opinion shows, that as little attention was paid to the acts on the subject, as to the formation of the opinion.

But I desire to draw your attention to that part of the Treasurer's communication purporting to give the amount which I have received for my services on these boards. It is seldom, in any communication, as many inaccuracies are to be found, as are contained in this; and I know of no official communication where so many errors have been crowded into so small a space.

In his letter to the Speaker, he says: "the amount which the Gov-

"error has received is also desired, and is herewith communicated, "marked D, *extracted from the reports of said Boards*, to the last "and present Legislatures."

"The amount received is one thousand two hundred and thirty-eight dollars and seventy-seven and a half cents." Both of the above statements are wholly inaccurate. His statement marked D, is not extracted from the reports of the Boards to the last and present Legislatures, nor are there any reports of the Boards that will sustain the accuracy of the statement D.

The amount received by me is not \$1238, 77½ cents, as reported by the Treasurer.

So far from his statement marked D, purporting to be extracted from reports of the Boards, he himself heads it thus :

D.

"From the report of the Comptroller to the House of Commons, "December 20, 1842."

I must draw your attention now to this statement marked D—a paper unrivalled for inaccuracy, in adding bills of expenses incurred, suppressing number of days of service upon the boards, and the charges of others' expenses to myself.

It will be seen by reference to said statement D, the Treasurer has footed up the charges on the Literary Board, and makes them amount to \$1092 60—then says in reference to this sum: "Total amount "drawn by Governor Morehead for *services on Literary Board*."

To show how much reliance may be placed in the correctness of this statement D, I will refer to one item, thus entered :

"Dec'r. do. (Gov. Morehead) 18 days and expenses, \$205." And this is one of the sums which the Treasurer reports to the Senate, I have received for my services on the said Board, as will appear from the Comptroller's Reports of 20th Dec. 1842.

Before I draw your attention to that report, I will premise—that in the fall of 1841, the contractors upon the tributaries to Pungo, and those upon Alligator Canal, had completed their contracts—and desired a final settlement with the Board. The tributaries to Alligator were to be let out, and the public lands were advertised to be sold. As so many important transactions were crowded together at the same time, it was agreed that the whole Board should attend the sales at the Swamps. Accordingly a conveyance for all the Board was engaged, and Mr. Gales, a member of the Board, and myself, set out by Smithfield, where Mr. Manly, another member, was to have joined us, he being at that place. He declined going, and Governor



Dudley, the other member, was to have joined us at Goldsboro', but on our arrival there, we received a letter from him informing us of his inability to attend. This threw the transaction of the whole business upon Mr. G. and myself, and it was upon that trip this charge of \$205 is predicated. Now I invite your attention to the Comptroller's report, from which the Treasurer pretends he made the extract, and I give it in extenso.

"Cash paid expenses incurred by Literary Board, on its visit to sell the Swamp lands, in Nov. and Dec'r, 1841, \$259.

Expenses as follows :

|                                                                  |          |
|------------------------------------------------------------------|----------|
| Tavern bill at Smithfield,                                       | \$4 00   |
| " " Goldsboro',                                                  | 2 50     |
| " " Snowhill,                                                    | 2 75     |
| " " Greenville,                                                  | 4 00     |
| " " Washington,                                                  | 5 75     |
| " " Barrows',                                                    | 1 75     |
| " " Clarkes',                                                    | 22 75    |
| " " Washington,                                                  | 14 80    |
| Post. on letter from Gov. Dudley,                                | 20       |
| Tavern bill at Greenville,                                       | 1 50     |
| " " Falls Tar River,                                             | 4 00     |
| " " Leigh's,                                                     | 3 50     |
| " " Servant, (Andrew,)                                           | 2 00     |
| Mr. Machin, printing blank notes,                                | 4 50     |
| Advertising Pungo Tributaries,                                   | 4 00     |
| Mr. Cogdale's ser. as Auctioneer,                                | 10 00    |
| John Malone, for 18 days' hire of carriage,<br>horses and driver | 63 00    |
| Gov. Morehead, 18 days, at \$3,                                  | 54 00    |
| W. R. Gales do do                                                | 54 00    |
|                                                                  | <hr/>    |
|                                                                  | \$259 00 |

Thus it will be seen that after deducting the \$54 paid Mr. Gales, from the \$259, it leaves the \$205, with which the Treasurer charges me, and then says I have received it for services. The warrant upon which the money was drawn was not in my favor, and the sum I received for services was \$54 only; thus making an error of \$151 in this single item. There are various other inaccuracies which will be seen upon examination.

The statement D, alone, contains several palpable inaccuracies,

which is evident from the Comptroller's report, which the Treasurer had before him.

I am unwilling to charge one who has held official connexion with me, although not of a very intimate or confidential character, with intentional errors or misstatements; but so many errors in so few items must tax one's charity much to induce the belief they grew out of inadvertence. And if all these errors had not a tendency to swell the amount of my receipts, instead of diminishing them, and to show large pay for little service, there might be more hope that they did not proceed from design—but these errors are all on one side.

The call made by the Senate, was for the amount I had received for "per diem compensation as President, ex-officio," of the Literary and Internal Improvement Boards. The Treasurer in making his answer to the call, adds to the amount *I had received*, my own travelling expenses, the travelling expenses of another member of the Board, hack hire engaged for the whole Board, printers' bills, auctioneer's bills, &c., &c., until he gets the sum of one thousand two hundred and thirty-eight dollars; (and to show how careful he has been to be accurate, he adds) 77½ cents, as if he had got the sum true to half a cent.

The Comptroller's report to the last House of Commons, to which the Treasurer refers, and the statement I had the honor to submit to the Senate with my message of the 18th inst., shows the amount thus received, and I believe is correct. The former is printed and to be found in the Legislative documents of last session; the latter was sent to the Senate on the 18th inst., as above stated, and I presume was printed and upon the table of Senators before the call was made upon the Treasurer; and when the Senate made the call upon the Treasurer, that they might be still further assured of the correctness of these statements, it behoved him to be accurate and correct in his reply. He has not been either accurate or correct, and it is respectfully submitted whether it is not due to the Treasurer as well as myself, that a committee should be raised to aid him in ascertaining the true amount I have received for my services as President ex-officio of the Literary and Internal Improvement Boards; and further to give the Treasurer an opportunity to show, if he can, that the very inaccurate information which he gave the Senate, was not given by design.

Very respectfully,

Your obedient servant,

J. M. MOREHEAD.

Executive Office, December 30th, 1844.





No. 49.

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LEGISLATURE OF NORTH CAROLINA.

DECEMBER 26, 1844.

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**CORRESPONDENCE**

RELATIVE TO THE

**LEGAL RIGHT OF THE GOVERNOR**

TO RECEIVE PAY

AS PRESIDENT EX OFFICIO OF THE

LIT. & INT. IMP. BOARDS.

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RALEIGH:

THOS. J. LEMAY, PRINTER TO THE LEGISLATURE.  
1844.



TREASURY DEPARTMENT OF N.C.  
24th Decr, 1844

### RESOLUTION.

*Resolved*, That the Public Treasurer be instructed to report to the Senate the correspondence between the Treasurer and his excellency, the Governor, relative to the legal right of the Governor to receive *per diem* compensation as president ex officio, &c., for services rendered upon the Literary and Internal Improvement Boards. And also the opinion of the Attorney General thereupon, together with the amount which his excellency the Governor, has received for said service.

JNO. H. WHEELER, Pub. Treas.

TREASURY DEPARTMENT OF N.C. }  
24th Dec'r, 1844. }

Sir: In reply to the Resolution of your honorable body, transmitted to me this day, I communicate herewith the correspondence between this department and his excellency the Governor, relative to the legal right of the Governor to receive per diem compensation as president ex officio of the Literary and Internal Improvement Boards, marked A, B.

Also, as instructed by said resolution, the opinion of the Attorney General thereupon, on file in this Office, marked C, is communicated.

The amount which the Governor has received is also desired, and is herewith communicated, marked D, extracted from the reports of said Boards to the last and present Legislature.

The amount received is one thousand two hundred and thirty-eight dollars and 77½ cents.

I have the honor to be,

Very respectfully,

Your faithful servant,

JNO. H. WHEELER, Pub. Treas.

P. S. I return herewith to your files the original resolution transmitted to me as usual.

Hon. the SPEAKER of the Senate.



TREASURY OFFICE, }  
27th Jan. '43 }

To the Governor.

Your warrant this day, drawing from the Treasury pay for your services, and Cad. Jones Esq., as members of the Board of Internal Improvement, has been presented by your private secretary, Mr. Reynolds.

I am satisfied by an examination of the law, that as a commissioner of the Board, Col. Jones is entitled to receive for his services the sum of three dollars per day, and his travelling expenses; and if the warrant is so modified, I will pay it. But as to the Governor, who is *ex officio* president thereof, it appears to me that his pay, *ex officio*, covers the duty; and it is doubtful whether the Legislature intended that the Governor should be paid his salary as Governor and also as a member of the Board at the same time. With this doubt, I declined paying the charge made for your services.

If the Governor receives a salary of 2,000 dollars per annum, did not the Legislature intend that this should pay for all his services arising from his office? or did they intend to increase his salary by allowing him three dollars per diem as President *ex officio* of the Board of Internal Improvement, and three dollars per diem as President, by virtue of his office of the Literary Fund, and his travelling expenses? If the latter, this extra salary, allowing that these Boards sit the whole year, would amount to more than the regular salary by Law appropriated. It might be so that they would sit the whole year, and of course, under the rule claimed, the Governor would receive a compensation, which, to my mind, is neither the spirit or intention of the law.

I have the honor to be,

Very respectfully,

Your obedient servant,

JNO. H. WHEELER,

Public Treasurer.

P. S. I am happy to state, that if I am in error, that the Legislature is now in session, and if wrong, I can be corrected.

J. H. W.

EXECUTIVE OFFICE, }  
28th January, 1843. }

To the Public Treasurer.

SIR: In reply to yours of yesterday, I have to inform you that the Law has made it my duty to draw warrants upon the Public Treasurer—the Comptroller's duty to pass upon and allow them and order their payment—and *your duty to pay* them.

I cannot recognise in you any authority to direct me in what way my warrants are to be drawn—much less shall I allow you to instruct the Boards over which I preside how they shall make their orders for the disposition of the funds under their charge.

I shall not permit myself to enter into any discussion with you on the subject.

With the account which I caused to be attached to the warrant for convenient reference, you have nothing to do—and that you may have no excuse for this dereliction of official duty—I apprise you that that warrant is issued upon an order of the Internal Improvement Board. I have caused your refusal to pay to be endorsed on the warrant.

Yours respectfully,

J. M. MOREHEAD.

Public Treasurer.

J. H. WHEELER.

Your obedient servant.

Very respectfully,

I have the honor to be,

P. S. I am happy to state that if I am in error, that the Legislature is now in session, and if wrong, I can be corrected.

J. H. W.



## TREASURY DEPARTMENT OF N. C. }

April 6th, '43. }

MY DEAR SIR,

I would respectfully refer to your attention the 2d sec. & 3d sec. of the act of the Legislature, Revised Statutes, page 349, as regards the Board of Internal Improvement, and would ask whether in your opinion the Governor is entitled to pay, as Commissioner, the sum of three dollars per day and his travelling expenses—or whether being ex-officio President of the Board, his pay ex-officio does not cover the services.

The pay of the Governor by virtue of his office of President of the Literary Board, is regulated by the same law regulating the Board of Internal Improvement, Revised Statutes, p. 384.

Respectfully,

Your faithful servant,

JNO. H. WHEELER,

Public Treasurer.

S. WHITAKER, Esq.,  
Attorney General.

## OPINION OF THE ATTORNEY GENERAL.

April 8th, 1843.

Having examined the acts of Assembly referred to in your favour of the 6th, my opinion is that the Commissioners alone are entitled to the pay allowed by the acts mentioned.

Respectfully,

S. WHITAKER,

Attorney General of North Carolina.

JNO. H. WHEELER, Esq., Public Treasurer.

Present.

From the Report of the Comptroller to the House of Commons,  
Dec. 20, 1842.

| EXPENSES OF THE LITERARY BOARD.                                            |                |                                |            |
|----------------------------------------------------------------------------|----------------|--------------------------------|------------|
| 1841                                                                       | Gov. Morehead, | 11 days,                       | 33 00      |
| April                                                                      | do             | 15 days,                       | 57 25      |
| June                                                                       | do             | 20 days,                       | 60 00      |
| July                                                                       | do             | 21 days,                       | 63 00      |
| Oct.                                                                       | do             | 18 days & expenses             | 205 00     |
| Dec.                                                                       | do             |                                |            |
| 1842                                                                       |                |                                |            |
| Jan.                                                                       | do             | 13 days,                       | 39 00      |
| April                                                                      | do             | 16 days,                       | 48 00      |
| June                                                                       | do             | 11 days,                       | 33 00      |
| "                                                                          | do             | 8 days & going to Swamp Lands, | 51 05      |
| 1843                                                                       |                |                                |            |
| Jan.                                                                       | do             | 24 days,                       | 72 00      |
| April                                                                      | do             | 15 days,                       | 45 00      |
| July                                                                       | do             | 15 days & expenses             | 83 30      |
| "                                                                          | do             | 14 days,                       | 42 00      |
| Oct.                                                                       | do             | 13 days,                       | 39 00      |
| 1844                                                                       |                |                                |            |
| Jan.                                                                       | do             | 24 days,                       | 72 00      |
| April                                                                      | do             | 16 days,                       | 48 00      |
| July                                                                       | do             | 14 days,                       | 42 00      |
| Oct.                                                                       | do             | 20 days,                       | 60 00      |
| Total amount drawn by Governor Morehead for<br>services on Literary Board, |                |                                | \$1,092 60 |
| BOARD OF INTERNAL IMPROVEMENT.                                             |                |                                |            |
| 1841                                                                       | Gov. Morehead, | 3 days,                        | 9 00       |
| April                                                                      | do             | 7 days & expenses,             | 45 87½     |
| Dec.                                                                       | do             |                                |            |
| 1842                                                                       |                |                                |            |
| April                                                                      | do             | 2 days,                        | 6 00       |
| Dec.                                                                       | do             | 4 days & expenses,             | 31 30      |
| 1843                                                                       |                |                                |            |
| Jan.                                                                       | do             | 10 days & expenses,            | 54 00      |
| Total amount drawn by Gov. Morehead on Board<br>of Internal Improvement,   |                |                                | \$146 17½  |



# LEGISLATURE OF NORTH CAROLINA

IN HOUSE OF COMMONS, DEC. 25, 1844.

## A BILL

To authorize the foreclosure of the Mortgage of the Raleigh & Gas-

ton Rail Road.

Whereas, by an act of the General Assembly begun and held on the 3rd Monday of November, 1838, entitled "An act for the relief of the Raleigh & Gaston Rail Road Company," it was provided, among other things, that the Treasurer of the State should endorse the bonds of the said Company to the amount of five hundred thousand dollars, for the use and benefit of said Company, and the said Company should execute a Mortgage on the road and other property real and personal to secure the said bonds, from any loss by reason of its endorsement of said bonds, and also to pay the profits of the road for payment of interest on the same; And whereas it was also provided in said Act, that the General Assembly might at any time appoint a committee to enquire into the insolvency of said Company; and whereas at a Session of the General Assembly begun and held on the 3rd Monday of November, 1840, an act was passed, entitled "An act to secure the State against any and every liability incurred for the Raleigh & Gaston Rail Road Company, and for relief of the same," which act also provided, among other things, for the endorsement by the State of bonds to the amount of three hundred thousand dollars for the use and benefit of said Company, and required the Company on their part to execute and deliver to the Treasurer individual bonds of the stockholders and other subscribers, to the amount of five hundred thousand dollars, to secure that amount of liabilities incurred by the State for said Company under the act of 1838; and also to execute and deliver a Mortgage of the road and other property, real and personal, belonging to the Company, to secure the State against any loss by reason of its endorsements of the bonds endorsed under that act; And whereas the said Act also provided that the General Assembly might at any time appoint a committee to enquire into the insolvency of said Company, and its inability to pay

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LEGISLATURE OF NORTH CAROLINA.

IN HOUSE OF COMMONS, DEC. 26, 1844.

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A BILL

To authorise the foreclosure of the Mortgage of the Raleigh & Gaston Rail Road.

*Whereas*, by an act of the General Assembly begun and held on the 3rd Monday of November, 1838, entitled "An act for the relief of the Raleigh & Gaston Rail Road Company," it was provided, among other things, that the Treasurer of the State should endorse the bonds of the said Company to the amount of five hundred thousand dollars, for the use and benefit of said Company, and the said Company should execute a Mortgage on the road and other property, real and personal, to secure the State from any loss by reason of its endorsement of said bonds, and also to pledge the profits of the road for payment of interest on the same; *And whereas* it was also provided in said Act, that the General Assembly might at any time appoint a committee to enquire into the insolvency of said Company; *and whereas* at a Session of the General Assembly begun and held on the 3rd Monday of November, 1840, an act was passed, entitled "An act to secure the State against any and every liability incurred for the Raleigh & Gaston Rail Road Company, and for relief of the same"; which act also provided, among other things, for the endorsement by the State of bonds to the amount of three hundred thousand dollars for the use and benefit of said Company, and required the Company, on their part, to execute and deliver to the Treasurer individual bonds of the stockholders and other subscribers, to the amount of five hundred thousand dollars, to secure that amount of liabilities incurred by the State for said Company under the act of 1838; and also to execute and deliver a Mortgage of the road and other property, real and personal, belonging to the Company, to secure the State against any loss by reason of its endorsements of the bonds endorsed under that act; *And whereas* the said Act also provided that the General Assembly might at any time appoint a committee to enquire into the insolvency of said Company, and its inability to pay



its debts; *And whereas*, at the present General Assembly, a committee has been appointed to enquire into the insolvency of said Company, who have reported that the Raleigh & Gaston Rail Road Company is unable to pay its debts and is insolvent, which said report has been affirmed by this General Assembly:

**Sec. I.** *Therefore, be it enacted by the General Assembly of the*  
 2 *State of North Carolina, and it is hereby enacted by the authority of*  
 3 *the same,* That it shall be the duty of the Governor of the State to  
 4 cause the mortgages made and executed by the President and Di-  
 5 rectors of the Raleigh & Gaston Rail Road Company to be fore-  
 6 closed, in the Superior Court for the County of Wake, at its next  
 7 Term in April, 1845; and it shall be the duty of the Court, upon  
 8 a failure of the Defendants to answer, or upon their filing an an-  
 9 swer, to set the cause for hearing, to hear it and make final de-  
 10 cree thereon at the same term: and if any thing should occur so  
 11 as to prevent the Court from making such final decree at the  
 12 term aforesaid, the Court shall adjourn the cause to the earliest  
 13 day practicable for preparing for a final hearing, and the Judge  
 14 holding such Court, or any other Judge of the Superior Court  
 15 whom the Governor may designate, shall, on the day to which  
 16 said Court may stand adjourned, hold a Court for the purpose of  
 17 deciding the cause, and shall continue to hold the Court till the  
 18 cause is determined; and for such extra service, the Judge shall  
 19 be allowed the sum of ninety dollars.

**Sec. II.** *Be it further enacted,* That it shall be the duty of  
 2 the court, at the time of rendering such decree, to name and ap-  
 3 point the Treasurer of the State commissioner to sell said Road  
 4 and other property, both real and personal, which may be decreed  
 5 to be sold; and it shall be the duty of said commissioner to ad-  
 6 vertise the time and place of such sale, for at least 60 days, in  
 7 one or more of the newspapers, published in each of the cities of  
 8 Boston, New York, Baltimore, Philadelphia, Richmond, Va.,  
 9 Charleston, S. C., Mobile, Ala., New Orleans, and two of the pa-  
 10 pers published in Raleigh, setting forth the property proposed to  
 11 be sold and the terms of sale.

**Sec. III.** *Be it further enacted,* That the Governor of the  
 2 State be, and he is hereby authorised and directed to bid, on the  
 3 said road and other property decreed to be sold, for and on be-  
 4 half of the State, a sum sufficient to cover the sum of three  
 5 hundred thousand dollars and the interest on the bonds executed  
 6 and endorsed in pursuance of the Act of the General Assembly

7 passed in 1840-'41, entitled "An Act to secure the State against  
8 any and every liability incurred for the Raleigh and Gaston  
9 Rail Road Company, and for relief of the same."

Sec. IV. *Be it further enacted*, That should the Governor  
2 of the State, under the preceding section, become the purchaser,  
3 for the State, of the road and other property, it shall be the du-  
4 ty of the board of commissioners hereinafter named to appoint  
5 a President and other officers necessary to manage and conduct  
6 the same for and on behalf of the State, until such time as the  
7 State can make some other disposition of the same, or until the  
8 meeting of the next General Assembly; and said Board shall fix  
9 the rate of compensation to be allowed to said President and  
10 other officers to be appointed by them.

Sec. V. *Be it further enacted*, That the Governor of the State  
2 for the time being, the Treasurer, the Comptroller, the President  
3 of the Bank of the State, and the Cashier of the Branch of the Cape  
4 Fear Bank at Raleigh, be and they are hereby constituted the  
5 Board mentioned in section 4th; and that said Board be, and they  
6 are hereby declared a Directory for the management of said  
7 Road and its concerns for and on behalf of the State, and that  
8 they be allowed \$ per day, when actually employed  
9 about the same.

Sec. VI. *Be it further enacted*, That should any vacancy hap-  
2 pen in said Board, by death or refusal to act, the same shall be  
3 supplied by a majority of the acting members.

Sec. VII. *Be it further enacted*, That should the State be-  
2 come the purchaser of said Road and other property under the  
3 provisions of this act, the Board aforesaid shall have full power  
4 and authority to sell and convey the same to any individual,  
5 association of individuals, company or companies, at any time,  
6 for the most that can be obtained for the same, upon such credits  
7 as are hereinafter directed; and take proper and sufficient secu-  
8 rities from the purchaser or purchasers, to be judged of by the  
9 said Board; and the purchaser or purchasers, who may buy at  
10 the sale which may be made either under decree of the court, or  
11 by the Board, shall be a body corporate, under the name and  
12 style of the present company, and shall hold said Road with all  
13 its appurtenances for the residue of the time yet unexpired for  
14 which the present charter was granted by the State, with all the  
15 franchises, privileges, rights and immunities, granted and con-  
16 ferred at any time heretofore by the State, subject in all respects



17 and in every thing, to all the duties, regulations and penalties  
 18 required, prescribed and imposed by any law or laws now in  
 19 force respecting the present company—and said road shall be  
 20 deemed a common highway.

Sec. VIII. *Be it further enacted*, That should any one purchase other than the State, under the decree aforesaid, it shall be the duty of the Governor for the time being, to take from such purchaser bond or bonds, with such surety for the payment of the purchase money, as shall be deemed by him to be amply good and sufficient.

Sec. IX. *Be it further enacted*, That any person injuring said Rail Road, whether owned by the State or any other purchaser or purchasers, shall be subject to the same actions for penalties and damages as are now allowed for injuries to the Road; and said actions shall be sued and prosecuted in the manner now prescribed; and all such acts as are now offences against the State, when done to any part of the Road, shall be offences, when done under the same circumstances, to any part of the road after sale, and shall be indictable and punished in like manner.

Sec. X. *Be it further enacted*, That it shall be the duty of the commissioner to make the sale which may be decreed, at the city of Raleigh, and on the following terms, that is, \$25,000 of the purchase money shall be paid on or before six months from the day of sale, and the residue of the purchase money shall be divided into four equal instalments, to be paid at intervals of ten months; the first of said instalments to be paid in sixteen months after the day of sale, and the whole purchase money to be on interest from the day of sale.

LEGISLATURE OF NORTH CAROLINA,

DECEMBER 23, 1844.

MESSAGE

OF

GOVERNOR MOREHEAD

IN RELATION TO

THE HISTORY OF THE STATE.

*To the Honorable*

*The General Assembly of North Carolina :*

GENTLEMEN :

In my message at the beginning of the session, I called your attention to various subjects in connexion with the history of the State, and suggested the propriety of sending an agent to London, to procure from the proper offices there, copies of Documents, without which, it is impossible that our Colonial History can ever be correctly written.

Subsequent reflection and examination into the condition of the records and papers belonging to the Executive and Legislative Departments of the Government, have satisfied me, that we have a work to perform at home, of deeper interest, and of more immediate necessity, than that contemplated by the foreign agency which has been commended to your consideration.

The Act of Assembly, requiring that letter books should be kept in this Department, was passed in 1734, shortly previous to the close of Gov. Martin's administration. On the retirement of that gentleman from office, he placed in the hands of his successor, three well ar-



2  
ranged manuscript volumes, containing his official correspondence, during the year 1782, 1783 and 1784. His example has been faithfully followed; and we have, consequently, an unbroken series of Letter Books, from 1782 to the present time.

From the close of the revolution, so far as the Executive Department is concerned, we possess ample materials for history. To what extent the files of the two Houses, the State Department, and other offices, can contribute memorials of that great struggle, is an exceedingly interesting enquiry, which no one at present is prepared to answer.

Governor Caswell's first administration commenced with the adoption of the State Constitution in December, 1776, and extended through the years 1777, 1778 and 1779. A memorandum, in his handwriting, found among his private papers, shews that, at the expiration of his term of service, he deposited the papers which had accumulated in his office, in a chest, for preservation. The chest is not to be found in this Department. The interesting papers it must have contained, are probably preserved in scattered files in various offices.

Gov. Nash presided in the Executive Department during the year 1780, and until the summer of 1781, when he resigned his office. Of this brief but most interesting period, memorials probably exist; but none, it is believed, are to be found in any Department of the Government. His correspondence, if it can be traced and secured, will doubtless afford most interesting information in relation to both the expeditions undertaken by Lord Cornwallis for the subjugation of this State; his advance to Charlotte, the gallant defence of that village, the defeat of Ferguson at King's Mountain, and the consequent retreat of his Lordship to South Carolina, are events which crowd themselves into the history of a few weeks, in the autumn of 1780. The battle of the Cowpens, the fall of General Davidson at Cowan's Ford, the apparent conquest of the State, consummated by the erection of the Royal Standard at the seat of Government on the 22nd February, 1781, the defeat of Pyles, the battle of Guilford, and the retreat of Cornwallis to Wilmington, following in quick succession, are among the most prominent events which give character to American history. The course of our patriotic State, from the earliest period, is imperfectly known and lightly appreciated; Cornwallis and Tarleton had better opportunities to ascertain the true character of our people, than any American historian; and they have borne bitter, but faithful testimony, of our rebellious nature.

Governor Nash was succeeded by Governor Burke, in June, 1781.

The true character of this able, energetic, but most unfortunate Chief Magistrate, seems to have excited but slightly the attention of those most familiar with our history. Nothing in relation to him has been preserved in any of the public offices; but his entire correspondence, preserved by his only child, an intelligent and amiable daughter who still survives him, may be obtained, and will shed light on the few dark but eventful days, during which he held the reins of Government.

Few incidents of the revolution are calculated to excite deeper interest, than the circumstances connected with the descent upon Hillsboro', then the seat of government, by the Tories on the 12th September, 1781; the seizure of the Governor in the midst of his friends; his delivery in eleven days thereafter to Major Craig at Wilmington; his close confinement at Wilmington and Charleston as a *prisoner of State*; his escape from St. James' Island, and return to his office in the Spring of 1782; the duties of which in the interim, had been discharged by the Speaker of the Senate, Alexander Martin.

One of the modes, which has occurred to me as best calculated to effect the object of this communication, is to authorize my successor in this department, to collect, if possible, such papers as may be necessary to complete the series of Letter Books, and have them copied and arranged under his supervision. In addition to this, he might, with obvious propriety, be authorized to obtain, as far as practicable, either the original papers, or copies of the proceedings of various town, county and district committees, organized in the province, in compliance with the recommendation of the Continental Congress of 1774, for the purpose of carrying into effect the Articles of American Association, and of the proceedings of the various Committees and Councils of Safety subsequently convened under the authority of the Provincial Legislature. Whatever may be the plan which may secure your favor, I cannot suppose that the subject will fail to excite a proper degree of interest.

Justice to ourselves and to our illustrious revolutionary patriots, requires that we should preserve the materials of our revolutionary history. Already have we redeemed from oblivion our glorious Mecklenburg Declaration of Independence, and established its truth and certainty, beyond all question, notwithstanding the insinuation of an illustrious American citizen, that it was a hoax and a fabrication.

Papers and letters now in the office of your Secretary of State, in the handwriting of William Hooper, one of the delegates of North



Carolina in the Continental Congress, and whom the same illustrious citizen chose to pronounce a Tory, proved beyond all question, the assertion to be wholly unauthorized, notwithstanding its high origin. It is due to ourselves that our revolutionary history should be placed fairly before the world. No State has more to be proud of than North Carolina.

The British troops in no part of America met with such stubborn and unremitting resistance, in proportion to the means and numbers, as they encountered among the inhabitants of North Carolina.

Cornwallis pronounced the country between the Yadkin and Catawba, the most *rebellious* district in America; and he found his reception at Charlotte, in 1780, so warm and his stay so much embarrassed by the unceremonious manner in which the surrounding inhabitants were in the habit of paying their respects to his Lordship, and those under his command, that he had to retire into South Carolina to avoid such annoying calls; and the recollection of their sojourn in that place induced the British soldiers to entitle it "The Hornet's Nest."

An extract from Tarleton's History of the Southern Campaigns of 1780 & 81, herewith communicated, marked A, will shew the manner in which the enemies of America were received by the inhabitants of North Carolina.

Indeed, our whole history of the Revolutionary struggle, shows that no body of enemies to American Liberty, whether *foreign or domestic, British or Tories*, could find rest for the soles of their feet upon our soil; and it is our solemn and patriotic duty to preserve, by all means in our power, every memorial of that noble struggle. These memorials are now scattered over the State, and gradually disappearing; and like the leaves of the Sibyl, they rise in value as their numbers decrease.

Very respectfully, your obedient servant,

J. M. MOREHEAD.

Executive Office, }  
Dec. 21, 1844. }

Extract from Tarleton's History of the Southern Campaigns of 1780  
and 1781. Pages 160—161.

"It was evident, and it had been frequently mentioned to the King's Officers, that the counties of Mecklenburg and Rohan (Rowan) were more hostile to England than any others in America. The vigilance and animosity of these surrounding districts checked the exertions of the well affected, and totally destroyed all communication between the King's troops and the loyalists in the other parts of the province. No British commander could obtain any information in that position, which would facilitate his designs, or guide his future conduct. Every report concerning the measures of the Governor and Assembly would undoubtedly be ambiguous; accounts of the preparations of the Militia could only be vague and uncertain; and all intelligence of the real force and movements of the Continentals must be totally unattainable.

"The foraging parties were every day harrassed by the inhabitants, who did not remain at home, to receive payment for the produce of their plantations, but generally fired from covert places, to annoy the British detachments. Ineffectual attempts were made upon convoys coming from Camden, and the intermediate post at Blair's Mill; but individuals with expresses were frequently murdered. An attack was directed against the picket at Polk's Mill, two miles from the town: The Americans were gallantry received by Lieutenant Guyon, of the 23d regiment; and the fire of his party from a loop-holed building adjoining the mill, repulsed the assailants. Notwithstanding the different checks and losses sustained by the militia of the district, they continued their hostilities with unwearied perseverance; and the British troops were so effectually blockaded in their present position, that very few, out of a great number of messengers, could reach Charlotte-town in the beginning of October, to give intelligence of Ferguson's situation."











No. 8.

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LEGISLATURE OF NORTH CAROLINA:

RALEIGH, DECEMBER, 3, 1844.

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**MESSAGE**

FROM

**GOVERNOR MOREHEAD**

RELATIVE TO THE

**RETURNS OF THE ELECTION FOR PRESIDENT**

**AND VICE PRESIDENT OF THE U. S.**



TO THE HONORABLE

THE GENERAL ASSEMBLY OF NORTH CAROLINA.

In obedience to the requirement of the Act, entitled "An Act providing for the appointment of Electors to vote for President and Vice President of the United States," I have the honor to lay before you the accompanying file marked A, containing the certificates of the Sheriffs of the several Counties of this State, of the votes given in their respective Counties for Electors to vote for President and Vice President of the United States.

From information on which I rely, it is more than probable some of these returns are incorrect. The attention of the Attorney General will be directed to them, and they may undergo judicial investigation.

By an Act of the last Legislature, (chapter 29th,) it is made felony for any Sheriff or returning officer, wilfully or maliciously to refuse or neglect to make due and proper returns of the votes for Electors for President and Vice President of the United States; but in what Court or County, cognizance of the offence is to be taken, nothing is said.

Will it not be well to give to the Superior Court of Wake jurisdic-



tion and cognizance of the offence, with authority to the Judge holding the Court to move the case to any other County for trial, if he deem it proper? Or it might be as well to authorize the prosecution to be carried on in any County in which the Attorney General might deem best.

I have the honor to be your

Obedient servant,

J. M. MOREHEAD.

Executive Office,  
Dec. 3d, 1844.

}





No. 3

LEGISLATURE OF NORTH CAROLINA

IN SENATE NOV. 28, 1871.

PAID BY THE

OF THE

BANK OF CAFE FEAR

NOV. 2, 1871.

**No. 9.**

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**LEGISLATURE OF NORTH CAROLINA.**

**IN SENATE, NOV. 29, 1844.**

---

**BANK EXHIBIT**

**OF THE**

**BANK OF CAPE FEAR**

**NOV. 2, 1844.**



*State of the Bank of Cape Fear and Branches on*

|                                                                                        |                     |
|----------------------------------------------------------------------------------------|---------------------|
| Capital Stock,                                                                         | 1,500,000           |
| Notes in Circulation,                                                                  | 1,076,086           |
| Deposites,                                                                             | 207,512             |
| Dividends Unpaid,                                                                      | 3,779               |
| <b>DUE TO BANKS, VIZ:</b>                                                              |                     |
| Merchants' Bank, New York,                                                             | 1,648 87            |
| Mechanics' Bank, do                                                                    | 1,230 09            |
| Exchange Bank of Va. & Branches,                                                       | 7,497 08            |
| Farmers' Bank of Va.,                                                                  | 166 77              |
| Merchants' Bank, S. C.                                                                 | 348 83              |
| Bank of the State of N. C. & Branches,                                                 | 28,484 33           |
|                                                                                        | <b>39,375 97</b>    |
| Contingent Fund,                                                                       | 69,945              |
| Profit and Loss,                                                                       | 11,946              |
|                                                                                        | <b>81,891</b>       |
| Transitu,                                                                              | 4,383 45            |
|                                                                                        | <b>2,913,027 42</b> |
| <p><i>Of the above debt—Due by Directors</i><br/> <i>Due by other Stockholders</i></p> |                     |
| <p><i>T. IL WRIGHT, Cashier</i><br/> <i>(Per D. W. S.)</i></p>                         |                     |

*the morning of Wednesday, November 2nd, 1844.*

Specie,

438,578

DEPOSITES IN FOREIGN BANKS, viz:

|                                                   |           |    |              |
|---------------------------------------------------|-----------|----|--------------|
| Leather Manufacturers' Bank, N. York,             | 28,898    | 52 |              |
| Bank of New York,                                 | 23,461    | 73 |              |
| North American Trust and Banking Co.<br>New York, |           | 4  | 81           |
| Bank of North America, Philadelphia,              | 18,505    | 17 |              |
| Bank of the United States, do                     | 18,448    | 86 |              |
| Farmers' and Mechanics' Bank, do                  | 10,986    | 21 |              |
| Bank of America, do                               | 24,855    | 94 |              |
| Providence Bank, Providence,                      | 3,789     | 10 |              |
| Union Bank, Boston,                               | 148       | 80 |              |
| Massachusetts Bank,                               | 10,162    | 55 |              |
| Merchants' Bank, Baltimore,                       | 1,849     | 77 |              |
| Bank of Baltimore,                                | 289       | 67 |              |
| Bank of Virginia and Branches,                    | 2,090     | 01 |              |
| Bank of Charleston,                               | 30,232    | 48 |              |
| South Western Rail Road B'k, Charleston,          | 23,206    | 99 |              |
| Planters' & Mechanics' Bank, do                   | 9,755     | 98 |              |
| Bank of Hamburgh, Hamburgh,                       | 3,016     | 50 |              |
| Bank of Mobile,                                   | 100       | 10 |              |
| Foreign Exchange,                                 |           |    | 209,803 19   |
| Notes of Foreign Banks on hand,                   |           |    | 158,440 20   |
| Merchants' Bank, Newbern,                         |           |    | 153,560      |
| Notes of North Carolina Banks on hand,            |           |    | 1,447 03     |
| Real Estate,                                      |           |    | 51,187       |
| Debt. Bills and Notes discounted,                 | 1,807,708 |    | 67,789       |
| do Bills of Exchange in suit,                     | 24,515    |    |              |
|                                                   |           |    | 1,832,223    |
|                                                   |           |    | 2,913,027 42 |
| Of the above debt—Due by Directors,               | 115,212   | 82 |              |
| do Due by other Stockholders,                     | 110,033   |    |              |
|                                                   | 225,245   | 82 |              |

T. H. WRIGHT, *Cashier.*  
(Per D. W. S.)





LEGISLATURE OF NORTH CAROLINA,

IN SENATE, DEC. 11, 1844.

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COMMUNICATION

FROM

THE GOVERNOR OF NORTH CAROLINA,

TRANSMITTING COPIES OF

RAIL ROAD MORTGAGES AND BONDS,

TAKEN TO

SECURE THE STATE.

---

*To the Honorable*

*The Speaker of the Senate:*

I have the honor to acknowledge the receipt of the following resolve of your honorable body, to wit :

*“Resolved,* That his excellency the Governor be requested to furnish a copy of the mortgage, taken, to secure the State, from the President and Directors of the Raleigh and Gaston Rail Road Company, under the act of 1838-9 and 1840-1; and also a copy of the bonds taken from individuals under the act of 1840.”

I herewith transmit copies of the several mortgages alluded to in the above resolution, marked No 1, 2 and 3.

Exhibit A is the form of the bond taken from Stockholders under the act of 12th January, 1841, entitled “An Act to secure the State against any and every liability incurred for the Raleigh and Gaston Rail Road Company, and for the relief of the same.”

Exhibit B is the form of the bond given in renewal of the former.

Exhibit C is the form of the bond executed by subscribers under the same act.

Exhibit D is the form of the bond given by subscribers in renewal of their bonds.



Exhibit E is the form of bonds given in substitution of the former, under the joint resolution of the Legislature ratified 5th January, 1843. Very respectfully, your obedient servant,

J. M. MOREHEAD.

Executive Office, Dec. 11, 1844.

### NO. 3.

## STATE OF SOUTH\* CAROLINA.

This Indenture, made this third day of April, in the year of our Lord one thousand eight hundred and forty-one, between the President and Directors of the Raleigh and Gaston Rail Road Company of the one part, and John M. Morehead, Governor of the State of North Carolina for and on behalf of said State, of the other part:

WITNESSETH: That the said President and Directors, for and in consideration of the aid and benefit extended to the said company by an act of the General Assembly of said State, passed at the last session, entitled "An Act to secure the State against any and every liability incurred for the Raleigh and Gaston Rail Road Company, and for the relief of the same," and in further consideration of the sum of one dollar to them paid by the said John M. Morehead, Governor &c., the receipt whereof is hereby acknowledged, they, the said President and Directors of the Raleigh and Gaston Rail Road Company, have granted, bargained and sold, and by these presents do grant, bargain and sell, unto the said John M. Morehead, Governor of the State of North Carolina, and his successors in office, for the use and benefit of the State, all and singular the real estate, both legal and equitable, of the Raleigh and Gaston Rail Road Company, comprising the whole line of the Road, commencing at the termination of the Greenville and Roanoke Rail Road, on the North side of Roanoke River, in the counties of Northampton, Halifax, Warren, Granville, Franklin and Wake, into the City of Raleigh; including all the lands now occupied by the tract of said road and appurtenant thereto, together with all Lots, Depots, Buildings, Bridges and other superstructure connected therewith, now held, owned, and occupied by the said Raleigh and Gaston Rail Road Company, and used by the said company or their officers or agents, or to be used by them in connexion with said road; and the said President and Directors, for the consideration aforesaid, do also hereby grant, bargain and sell, to the said John M. Morehead, Governor

\*Printed according to the copy furnished. [PRINTER.]

&c., and his successors in office, for the use and benefit of the State, all the personal property of every description now owned by said company, including all Engines, Cars, and machinery of every kind, together with all tools and materials for repairs or construction, which are now or hereafter to be used in connexion with said road, or in any manner pertaining to the same:

To have and to hold the said Raleigh and Gaston Rail Road, the lands, premises and personal property above mentioned, and every part and parcel thereof, with the appurtenances, unto him the said John M. Morehead, Governor of the State of North Carolina and his successors in office, for the use and benefit of the State aforesaid:

The said property having been heretofore conveyed by deed of mortgage to Edward B. Dudley, Governor &c., for the use and benefit of the State, in compliance with the provisions of an act of the General Assembly of this State, passed at the session of 1838 & '9, entitled "An Act for the relief of the Raleigh and Gaston Rail Road."

*Provided always*, and upon express condition, that if the said President and Directors of the Raleigh and Gaston Rail Road Company, shall, at all times, indemnify and save harmless the State of North Carolina, from the payment of the whole and every part of the Bonds authorized to be made and issued by the President and Directors of the said Raleigh and Gaston Rail Road Company, and endorsed by the Public Treasurer of the State, pursuant to the provisions of an act of the last General Assembly, entitled "An Act to secure the State against any and every liability incurred for the Raleigh and Gaston Rail Road Company, and for the relief of the same;" That then, and from thenceforth, these presents and every thing herein contained, shall cease, determine and be void; any thing herein contained to the contrary notwithstanding.

And the said President and Directors of said Company, in and for the consideration aforesaid, do hereby pledge to the said John M. Morehead, Governor of said State, and his successors in office, for the use and benefit of the State, so much of the profits of said Company as shall be sufficient to pay semi-annually the interest which may accrue on the Bonds executed by the President of said Company, with the provisions of the before recited act, until the final payment and redemption of the principal of said Bonds.

*April, 1841.*

IN WITNESS WHEREOF, the President and three Directors of the



said Company have hereunto set their hands, and caused the seal of the Corporation to be affixed the day and year first above written.

S. F. PATTERSON, Prest.

D. CAMERON,  
WM. BOYLAN,  
G. W. MORDECAI. } Directory.

Signed, sealed & delivered }  
in presence of }

W. A. Lucas,  
S. W. Whiting.

# A

KNOW ALL MEN BY THESE PRESENTS, That

held and firmly bound unto the State of North Carolina in the sum of

Dollars,

lawful money of the United States, to be paid to the said State, or her Treasurer or Agent, upon request thereof made: To which payment well and truly to be made, bind and

heirs firmly by these presents. Sealed with seal the of  
1841.

The condition of the above obligation is such, that whereas by an act of the General Assembly of the said State, ratified the 7th of January, A. D. 1839, and entitled "an act for the relief of the Raleigh and Gaston Rail Road," the President and Directors of the Raleigh and Gaston Rail Road Company were authorised to make their bonds payable to the Public Treasurer of the State, for a sum not exceeding five hundred thousand dollars, and the said Treasurer was required to endorse the same, and thereby to pledge the State as security for the payment thereof; and whereas, by the seventh section of the said act, it was required that the said President and Directors, before receiving from the Public Treasurer the said bonds, endorsed as aforesaid, should make, execute and deliver to the Governor, for the use of the State, a mortgage of all the real and personal property of the said Company, conditioned for indemnifying and saving harmless the State from the payment of the whole or any part of the principal of the said bonds; and also should make, execute and deliver to the Governor, for the use of the State, a pledge, under the seal of the Corporation, of so much of the profits of the Road as should be sufficient

semi-annually to pay the interest accruing on said bonds, until the final payment and redemption of the principal thereof, as will appear by reference to the said act; and whereas the said bonds were made and endorsed—a mortgage or mortgages, and a pledge or pledges executed, and approved in the manner specified by the said act; and thereupon, the said bonds were delivered to the said President and Directors, and have been negotiated by them, whereby the State hath become, and now stands pledged as security for the said Company for the said bonds, amounting in the whole to the sum of five hundred thousand dollars; and whereas, by an act passed at the last session of the General Assembly, entitled “An Act to secure the State against any and every liability incurred for the Raleigh and Gaston Rail Road Company, and for the relief of the same,” ratified the 12th day of January, 1841, the Stockholders, according to the amount of stock by them respectively held, and other persons to the amount which they may respectively subscribe, are authorised to bind themselves in a bond to the State for the amounts so by them severally held or subscribed for indemnifying the State against loss arising from her security for the said Company as aforesaid, upon the insufficiency for that purpose of the said real and personal estate thereof mortgaged as aforesaid; provided such bond or bonds shall in the whole amount to the said sum of five hundred thousand dollars; and whereas the above bounden

at the time of the acceptance of the provisions of the said act of 1839, was the owner of \_\_\_\_\_ shares of stock in the said company, and hath executed this bond in extinguishment and full satisfaction of the liability incurred by him as a Stockholder by virtue of such acceptance.

Now if the said \_\_\_\_\_ shall well and truly pay and satisfy to the State (towards any loss or damage that may come to the State by reason of the endorsement by the State as aforesaid of the said bonds for five hundred thousand dollars, made under the said act of 7th January, 1839, and the insufficiency of the real and personal estate of said Company mortgaged as aforesaid to discharge the principal of the same) a sum (not in any event exceeding the said sum of

\_\_\_\_\_ dollars) which shall bear the same proportion to the said sum of \_\_\_\_\_ dollars, as the loss or damage of the State (after applying all the said real and



personal estate for her indemnity) shall bear to the sum of 5 hundred thousand dollars; then the above obligation to be void; else to remain in full force and virtue.

E

KNOW ALL MEN BY THESE PRESENTS, That

held and firmly bound unto the State of North Carolina in the sum of

Dollars, lawful money of the United States, to be paid to the said State, or her Treasurer or Agent, upon request thereof made: To which payment well and truly to be made, bind and heirs firmly by these presents. Sealed with seal the  
of 184 .

The condition of the above obligation is such, that whereas,

by writing obligatory, sealed with seal, and dated the day of in the year 18 acknowledged indebted to the State of North Carolina in the sum of

dollars;

and whereas, the said writing obligatory was subject to a certain condition thereunder written, by which, after reciting that "whereas by "an Act of the General Assembly of the said State, ratified the 7th "of January, A. D. 1839, and entitled "an Act for the relief of the "Raleigh and Gaston Rail Road;" the President and Directors of the "Raleigh and Gaston Rail Road Company were authorised to make "their bonds payable to the Public Treasurer of the State, for a sum "not exceeding five hundred thousand dollars, and the said Treasu- "rer was required to endorse the same, and thereby to pledge the "State as security for the payment thereof; and whereas, by the "seventh section of the said Act, it was required that the said Presi- "dent and Directors, before receiving from the Public Treasurer "the said bonds, endorsed as aforesaid, should make, execute and de-

"liver to the Governor, for the use of the State, a mortgage of all the  
 "real and personal property of the said Company, conditioned for  
 "indemnifying and saving harmless the State from the payment of  
 "the whole or any part of the principal of the said bonds; and also  
 "should make, execute and deliver to the Governor, for the use of  
 "the State, a pledge, under the seal of the Corporation, of so much  
 "of the profits of the Road as should be sufficient semi-annually to  
 "pay the interest accruing on said bonds, until the final payment  
 "and redemption of the principal thereof, as will appear by refer-  
 "ence to the said act; and whereas, the said bonds were made and  
 "endorsed—a mortgage or mortgages, and a pledge or pledges exe-  
 "cuted, and approved in the manner specified by the said act; and  
 "thereupon, the said bonds were delivered to the said President and  
 "Directors, and have been negotiated by them, whereby the State  
 "hath become, and now stands pledged as security for the said Com-  
 "pany for the said bonds, amounting in the whole to the sum of five  
 "hundred thousand dollars; and whereas, by an act passed at the  
 "last Session of the General Assembly, entitled "An Act to secure  
 "the State against any and every liability incurred for the Raleigh  
 "and Gaston Rail Road Company, and for the relief of the same,"  
 "ratified the 12th day of January, 1841, the Stockholders, according  
 "to the amount of stock by them respectively held, and other per-  
 "sons to the amount which they may respectively subscribe, are au-  
 "thorized to bind themselves in a bond to the State for the amounts  
 "so by them severally held or subscribed for indemnifying the State  
 "against loss arising from her security for the said Company as a-  
 "foresaid, upon the insufficiency for that purpose of the said real and  
 "personal estate thereof mortgaged as aforesaid; provided such bond  
 "or bonds shall in the whole amount to the said sum of five hundred  
 "thousand dollars; and whereas, the above bounden

hath subscribed

"the sum of

It was provided and declared, that "if the said  
 "shall well and truly pay, and satisfy to the State (towards any loss  
 "or damage that may come to the State by reason of the endorse-  
 "ment by the State as aforesaid of the said bonds for five hundred  
 "thousand dollars, made under the said Act of 7th January, 1839,



"and the insufficiency of the real and personal estate of said Company, mortgaged as aforesaid, to discharge the principal of the same) a sum (not in any event exceeding the said sum of

dollars, which shall bear the same proportion to the said sum of

dollars as the loss or damage of the State, (after applying all the said real and personal estate for her indemnity) shall, bear to the sum of five hundred thousand dollars; then the above obligation to be void; else to remain in full force and virtue."

And whereas, by the 6th section of the said Act, ratified the 12th day of January, 1841, it was (amongst other things) provided, that the bonds which might be given under the same, should be renewable every two years. And whereas, by a joint Resolution of the Senate and House of Commons, ratified the 5th day of January, A. D. 1843, the Governor, Treasurer and Comptroller were authorized to substitute and receive the bonds of other persons, in lieu of bonds given under the said Act of the 12th of January, 1841, whenever such substitution should become necessary. And whereas, the said Governor, Treasurer and Comptroller have agreed to receive the above obligation as a substitute for the said writing obligatory of the day of 18

; Now, therefore, it is hereby declared that the above obligation is subject to the very same condition (mutatis mutandis) as the said writing obligatory of the day of 18, is or was subject, as herein before recited—and shall be saved or forfeited upon the same or like events, as if the said condition were hereunder written as the condition of the above obligation.

SEAL

SEAL

No. 62.

LEGISLATURE OF NORTH CAROLINA.

JANUARY 6, 1845.

Message and accompanying Document ordered to be printed.

MESSAGE

FROM

GOVERNOR GRAHAM

TRANSMITTING

A COMMUNICATION FROM DIS. SWAMP CANAL CO.

ON

OBSTRUCTIONS TO THE NAVIGATION OF ROANOKE.

RALEIGH:

THOS. J. LEMAY, PRINTER TO THE LEGISLATURE.

1845.



MESSAGE.

To the Honorable

The General Assembly

of the State of North Carolina.

I herewith transmit, for the consideration of the Legislature, a communication of the President of the Dismal Swamp Canal Company, alleging that the Navigation of Roanoke River has been obstructed, by the erection of a Bridge across said river, by the Petersburg Rail Road Company, within the limits of this State, below Weldon; and that such obstruction is considered by said Canal Company to be in violation of a compact between the States of North Carolina and Virginia, relative to the navigation of the waters connected by the Dismal Swamp Canal.

The portions of said compact supposed to be violated by the toleration of the act complained of, are pointed out in the communication, and the whole agreement appears on pages 225-6, of the 2nd vol. of the Revised Statutes.

Whether the character or interest of the State is involved in this subject, and whether any action on her part be necessary in connexion with it, is respectfully submitted to your consideration.

WILL. A. GRAHAM.

Executive Department,  
January 6th, 1845.

I am, very respectfully,  
Your obedient servant,  
JAMES CORNICK, Pres.  
Dismal S. C. Company

COMMUNICATION FROM THE PRESIDENT OF THE  
DISMAL SWAMP CANAL COMPANY.

DISMAL SWAMP CANAL COMPANY, }  
Norfolk, December the 18th, 1844. }

His Excellency, J. M. MOREHEAD.

SIR,

The President and Directors of the Dismal Swamp Canal Company have recently been informed that the Petersburg Rail Road Company have already constructed (or are constructing) a Bridge over the Roanoke River, below Weldon, and a respectable citizen of North Carolina has informed us that the said Rail Road Company are so doing without being authorized by any law or order on the subject. The latter part of the information, we deem immaterial, because we consider it to be done unlawfully, and repugnant to the compact entered into between the States of North Carolina and Virginia, dated 12th December, 1786, which has ever been regarded as *inviolable*.

We are further informed that the advocates of it, affect to consider the point which they have selected for erecting this Bridge, as the termination of navigation upwards, as regards the Roanoke; but the *Commissioners* on the part of North Carolina appear to have thought very differently.

We would beg leave to refer your Excellency to the subjoined extract from the compact, relative to the subject matter in hand. It says, "The State of Virginia agrees that the *waters* of Elizabeth River from the said Canal to the mouth thereof, the waters of Hampton Roads, and of the Chesapeake Bay to the Capes, and also *Roanoke River, wherever it is in Virginia, shall ever be considered as a common highway, &c.*" And again, that "the State of North Carolina agrees that the waters of the Roanoke River, Nottoway, Meherrin, &c., shall be considered as a common highway, &c."

Now, we ask what part of the Roanoke River is in Virginia below the point selected for this Bridge?

It would be taxing your Excellency's patience to enlarge on this subject; but I would beg leave to refer you to an Act passed by the Legislature of North Carolina the 8th of January, 1829, wherein the doctrine which we contend for, is fully recognized, as regards obstructions to the navigation.

I am, very respectfully,

Your obedient servant,

JAMES CORNICK, *Pres't*

*Dismal S. C. Company.*



Commissioners met at Fayetteville on 12th Dec'r, 1786, and mutually agreed,

**"First.** The State of Virginia agrees that the waters of Elizabeth River from the said Canal to the mouth thereof, the waters of Hampton Roads, and of the Chesapeake Bay to the Capes, and also Roanoke River, wherever it is in Virginia, shall forever be considered a common highway, free for the use and navigation of all vessels belonging to the State of North Carolina or any of its citizens, and that they shall not be therein subject to the payment of any toll or charge whatever, imposed for the purpose of raising a revenue.

**"Secondly.** The State of Virginia agrees that no restriction, duty or impost shall be laid on any commodity which is the growth, produce or manufacture, of the State of North Carolina, brought through the said canal, or over the said causeways for sale or exportation, and that the same may be exported without reinspection.

**"Thirdly.** The State of Virginia agrees that when any imported goods shall, within five months after entry, be exported through the said canal, or over the said causeways, into the State of North Carolina, in packages, bales or casks, as imported, the duties thereof shall be remitted or repaid, as the case may be, to the exporter, on his producing, within six months after the aforesaid entry, the certificate of the naval officer of the district of North Carolina into which the said canal enters, that the said goods have been entered there.

**"Fourthly.** The State of North Carolina agrees that the waters of Roanoke River, Meherrin, Nottoway, Chowan, Albemarle Sound, as low as the mouth of Pasquotank river, and of Pasquotank, from the mouth thereof to the said canal, shall be forever considered as a common highway, free for the use and navigation of all vessels belonging to the State of Virginia or any of its citizens, and that they shall not be subject therein to the payment of any toll or charge whatever, imposed for the purpose of raising a revenue."

**"Fifthly."** &c. &c.

(Passed Dec. 1st, 1787, State of Virginia.)

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LEGISLATURE OF NORTH CAROLINA.

JAN. 9, 1845.

Ordered to be printed among the documents of the session.

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INAUGURAL ADDRESS

OF

HIS EXCELLENCY WILLIAM A. GRAHAM,  
GOVERNOR OF N. CAROLINA.

---

In presenting myself before you, to take the oaths required for my qualification as Chief magistrate of the State, I gladly embrace the occasion, to express to our common constituents, my deep and abiding sense of gratitude, for their confidence and approbation as manifested in the election which calls me hither. If by diligence, faithfulness, and impartiality in the high trust I am about to assume—if by a constant observance of those great maxims of liberty and justice that are embodied in the Constitutions which I shall swear to support—if by a consultation of our history, and a deference to those precedents and examples which are deemed most excellent in past time, I can gather that wisdom which my own deficient faculties are unable to supply, I may hope to render to my countrymen some, although it be an inadequate return for this mark of their favorable consideration.

A philosophic observer of our Institutions, has attributed as a defect to the State Governments, that they do not comprehend objects of sufficient interest to human ambition. Although the fact be otherwise, yet it is much to be apprehended, that there is a tendency in the affairs of the Federal Government, extending as it does over so vast a territory, and so many millions of inhabitants, identified in recollection with the proudest events of our history—with its power to make war and peace, and being constantly surrounded with the pomp and circumstance of warlike preparation, by land and sea—with its large revenue and expenditures—its numerous officers, and



their superior compensations above those of the States—its power to regulate Commerce, to conduct our foreign intercourse, and to administer the code of Nations, with the great and concentrated powers and patronage of its Executive—that there is a tendency in the affairs of that Government, with these attributes for admiration and attraction, to engross too much of the attention which is bestowed by our citizens on public affairs. That these important concerns of the Nation should be objects of constant observation and active vigilance is to be expected and desired. But that they should be so to the exclusion of those more immediate interests which “come home to our business and bosoms,” our homes and firesides, and which are wisely retained under State jurisdiction, is a misfortune to be deprecated. If we glory in the name of American citizens, it should be with feelings akin to filial affection and gratitude, that we remember *we are North Carolinians!* And that the preservation and prosperity of our system, and its ability to secure the permanent and habitual attachment of the people, depend quite as much, nay, much more upon an enlightened policy, and a correct administration in the State Governments, than in that of the Union. In omitting, therefore, to occupy this occasion, with more than a passing notice of matters which concern the action of the General Government, I am actuated by the belief that other topics are more appropriate; and moreover, that from recent opportunities, my opinions on National affairs are not unknown. Let it suffice, then, to say that the line of partition between State and Federal powers, should be kept distinctly marked; and while those yielded by the States should be liberally exercised for the general good, those retained should be carefully watched over and preserved—that I regard the liberty and Union of these United States as inseparable, and that it is the duty of those entrusted with authority, as well as of all good citizens, “indignantly to frown upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which link together its various parts.” But, for the cultivation of that harmony so essential to Union, we must bear in mind, that it is necessary, not only that the course of the General Government shall be characterised by justice, wisdom, and enlarged patriotism; but that the several States shall keep the covenants of the Constitution as undertaken by them, not merely in letter, but in spirit and in good faith. Certain parts of that instrument require duties to be performed, or omitted, by the State Governments, or some department thereof, without, however, providing penal sanctions for the failure, rely-

ing only upon the comity, the sense of right, and the official oaths of public servants for their observance. Yet it is obvious that a noncompliance on the part of a State in these articles, is as injurious to the rest of the confederacy, as can be any usurpation by the Federal Government. The Constitution having stipulated that Congress shall have power "to establish a uniform rule of naturalization;" and Congress having exerted the power, by prescribing a previous residence in our own country, of five years, and a declaration of an intention to become a citizen, in some Court of Record, at least two years, before any foreigner shall be naturalized, it is manifest that any State which undertakes to confer the right of citizenship on aliens with a shorter residence, and upon other terms than those declared in the Acts of Congress, commits an infraction on the Constitution injurious to the other States. And if they are enumerated in the census of her population, so as to give her a greater number in the apportionment of Representatives, and admitted to the right of suffrage in elections affecting the Union, she acquires importance and power beyond her due, and by means unauthorised by the Constitution. Yet, regulations for the naturalization of foreigners, after a residence of but six months or other period less than that required by the Acts of Congress, have been introduced in several of the States, and are believed to have already had an important influence in great National results.

So also the Constitution in express terms provides that criminals fleeing from justice, in one State to another, and that persons held to labor escaping into other States, shall be delivered up on proper demand to be carried to the places whence they fled. Nevertheless, instances have occurred of refusal by State authorities to make such delivery, because the state of servitude alleged in the particular case, did not exist in the State where the demand was made; or because the crime charged, was not regarded as an offence there. No difference can be perceived, whether the crime be treason against a State, larceny of a slave or other property, or whether the person demanded be a slave, or apprentice, a ward or infant child, the obligation under the Constitution, to deliver up, in any and every of the cases, is alike imperative and unavoidable.

I have thus particularly pointed out these breaches of constitutional duty in other States, because the Judiciary of this State have uniformly held, that the right of naturalization could only be acquired under the laws of the United States. The Executive has never failed to deliver up on a proper demand and due proof of identity,



any fugitive criminal or person held to service : and your predecessors in the General Assembly have aided the requirements of the Constitution, for the surrender of criminals, by statutory enactment.

Another source of disturbance to the harmony of the Union, from failure in duty by the State Governments, arises from the toleration within their limits, by particular States, of organized societies or combinations of individuals, having for their object the subversion of the Government or particular institutions of other States. If it be matter of boast in the Federal Government, that it has made similar combinations against foreign powers punishable as crimes in courts of justice, it would seem to be demanded by the duties of good neighborhood, to say nothing of closer ties, that such interference in the affairs of sister States should be prohibited by each member of the confederacy. And if particular frames of Government or organization of society, existing in any of the States at the formation of the Constitution, and recognized and guaranteed by it, are to be warred upon by the inhabitants of other States, no matter from what motive of faction or fanaticism, or with whatever hope of driving them to a greater ideal perfection of liberty or humanity, the consequences cannot but be most disastrous to the general peace and happiness.

It is now near seventy years, since the organization of the government of the State of North Carolina. Never in her colonial condition, enjoying the sunshine of royal favor, and participating in but a limited degree of the patronage and honors of the General Government, which has succeeded to the principal powers from which patronage flows, possessing a soil upon the average not above the medium grade of fertility, but yielding fruitful returns to patient toil in our generally salubrious climate—excluded by the nature of her seacoast from any enlarged share in the commerce of the world ; her people have been enured to self-reliance, industry, economy, and for the most part, to competence, but moderation in fortune. The natural fruits of this situation have been personal independence, unostentatious self-respect, habits in the general of morality, obedience to the laws, fidelity to engagements, public and private, frugality in expenditures, and loyalty to the Government, which is at once the offspring of the will, and the type of the simple manners, and honest and manly character of the citizens. Our Constitution, both in its original and amended features, exhibits a government affording every essential right of freedom, yet sufficiently conservative, to give to it permanence and energy in administration. No where can we find a better practical illustration of liberty secured by law. Our statuto-

ry enactments, embodied in a volume of but little more than six hundred octavo pages, in which are comprehended every act of Legislation, affecting the citizens in general, from the earliest English statutes until within a few years past, attest how well the simplicity and plainness of the fundamental law have been followed in general Legislation. In fulfilment of the requirements of the Constitution, a Judiciary system was early put in operation, which being matured from time to time, as experience suggested improvement, will compare favorably with the best systems of other States. Under its administration, by officers in the main, of a high grade of ability, learning and purity of character, our standard of professional eminence has been uniformly elevated, justice has been executed, and truth maintained, in such a manner, that in no part of the world have life, liberty and property, been more secure, than within the borders of our venerated State.

More than half a century ago, our University was established, which has gradually increased and diffused its lights not only in our own but in others of the States, until it now justly ranks among the first of the seminaries for education in the Union. Other institutions on private foundation, furnish opportunities for literary, scientific, and religious instruction, in various parts of the State, and within a few years past, the long deferred duty enjoined by the Constitution, of providing a system of Common Schools, for the instruction of all our youth, has been undertaken with earnestness and vigor.—May it prosper, until we shall realize the desire of the Roman Emperor, who “would have every citizen so learned that a portion of the Republic might be committed to his charge.”

While such is the happy situation of our Government, and such some of its more fortunate results, we cannot delude ourselves with the belief, that our advancement in prosperity and wealth, has equalled that of most of our sister States, or that the task of those honored with the confidence of the people of North Carolina, and entrusted with their delegated power, is one of ease or indolence. Such has been the flow of emigration, that our population has not yet doubled its number at the first Federal census in 1790. Its regular increase, however, during each decennial period until the last, was at the average rate of about 80,000 souls in each ten years. But during the period from 1830 to 1840, owing to the temptations to removal, from the action of the General Government, both in relation to the currency, and the extinction of the Indian title to public land, the increase was only about 20,000 souls. Notwithstanding, however, the aug-



mentation of population from 393,000 in 1790 to 755,000 in 1840, and the consequent increase of production and consumption of articles of commerce, the imports and exports of the seaports in our own limits, as shewn by the table of commerce of the Treasury of the United States, are no greater at the latter than at the former period. The Inlets on our coast have undergone no change for the better; but few of our rivers have improved in navigation, though all have obstructions, and that extended tract of country lying between this capital and the Blue Ridge, and north-west of the river Cape Fear, comprehending more than one-third of our whole territory, population and taxable wealth, enjoys but little better facilities of transportation than when it was traversed by the baggage wagons of hostile armies, in the midst of the Revolution. Those beneficent establishments, the products of modern humanity and science, in which cures are administered to minds diseased, "the dumb are almost made to speak, and the blind to receive their sight," have as yet no foundations among us; and although a common school system has been commenced, a surprisingly large part of our people are yet destitute of the first rudiments of education. Our earth, abounding, it is believed, beyond any other region of no greater extent, in the precious & useful metals, in materials, for manufacturing, for manuring, for building, and a thousand other desirable objects, is not half explored. Our Agriculture, though attracting more intelligence than formerly, is yet greatly in need of improvement; and our capabilities for manufacturing are but beginning to be understood.

It is most obvious that to meliorate our condition in any, or all of the particulars alluded to, pecuniary means are indispensable. In common with the greater portion of our constituents, I have looked for years to a distribution of the proceeds of the sales of the public lands, as the source from which we were to derive the supplies necessary for objects so desirable. If in this hope we shall be doomed to disappointment, those among us who prefer a different disposition of that fund, but who yet concur in the enlightened policy of diffusing education and improving our situation in every practicable method, will be expected to bring forward some other scheme of finance, to effect ends so important.

Whatever system may be adopted, no time should be lost, in putting into energetic operation, such measures as may be best calculated to add to public and private wealth. Our country must be made to hold out the hope and expectation of acquiring the means of comfortable livelihood, and of reasonable accumulation, or its population

cannot be expected to remain, nor its resources to increase. While labor is the only true foundation of national wealth, it may be much aided in its efforts, by the kind and upholding hand of Government. No State is more diversified in its fields of labor, or its varieties of marketable production, than our own. The great majority of the people being engaged in Agriculture, there are far more than a superficial observer would imagine, who are, with perhaps greater profits employed in the forests and fisheries, mines, manufactories, and mechanic arts. Our agriculture again, such is the variety of soil and climate, comprehends every great staple cultivated in the Union, except Sugar and Hemp. And it is difficult to say, in the present state of statistical information, which of our chief exports, of Cotton, Tobacco, Rice, Wheat and Flour, or Indian Corn, is of the greatest value. While that of Cotton would seem to be the greatest, we must remember that fully one-third of the domestic supply of that article is manufactured at our own mills, and finds a market chiefly at home in their manufactured state. These varieties of occupation, and production, creating apparently diverse interests, may be made to contribute to mutual accommodation, and to multiply the bonds of fraternal feeling, if government will but open communications between different sections, and give to the producer a cheap and easy mode of transportation to market, or shall encourage new employments, by means of which, the production shall find a market nearer home. In view of the great deficiency of facilities for transportation, under which we labor in the larger portion of the State, an extended system of internal improvement, or a more general devotion of industry to mining and manufacturing, would seem to be indispensable. If we cannot, without too great a loss of profits send our staples to existing markets, we must endeavor to bring a market nearer to them. This is most obviously our interest, especially since in raising the amount of revenue necessary for the Federal Government, the practice of laying discriminating duties for the protection of manufactures and other pursuits of domestic industry, seems to be a settled part of our national policy.

Unfamiliar with the details of our affairs, it will hardly be expected that I shall at present attempt any recommendation of specific measures to your consideration. This would indeed be presumptuous, after the lucid and interesting review of them in the message of my distinguished predecessor, at the opening of your present session. I cannot however forbear to impress upon the Legislature, my deep conviction of the importance of his recommen-



dation to undertake without delay, an Agricultural and Geological survey of the State with particular reference to the discovery of means to improve our soil and cultivation. In whatever we produce, we have millions of competitors throughout the world. And unless we avail ourselves of all the natural resources we possess, in addition to the lights of science, the skill of experience and application of industry, we shall be left behind in the great race of increasing profits by cheapening production.

In contemplating the important interests which require the care of Government, it is a consolation to me to know, that by the wise distribution of powers, the Executive in the general discharge of its duties, but moves in the rear of the Legislature, endeavoring to carry out their wise determinations, by such means as they have committed to its hands. Whatever in our respective spheres we may find demanding our attention, I trust that no pledge is necessary on my part, nor exhortation to you on yours, that the public engagements of the State shall be observed scrupulously and faithfully. In our past history, we have gained a high character for the virtues of honesty and fidelity; thus far, our escutcheon is unstained—the public faith has been kept, the public honor inviolate. And whatever destiny may await us in the future, let us fervently unite our invocations to that good Providence, who has so signally upheld and preserved us heretofore, that our beloved North Carolina may still be permitted to “walk in her integrity,” the object of our loyalty and pride, as she is the home of our hearts and affections.

## LEGISLATURE OF NORTH CAROLINA.

*In Senate, Jan. 7, 1845.*

Read and ordered to be printed.

## REPORT.

OF

## THE SELECT COMMITTEE

UPON

## ASYLUMS.

The committee to whom was referred so much of the Governor's Message as relates to Asylums, after giving the subject their most anxious consideration, have directed me to submit the following report and recommendation, as the result of their investigations:

Your committee first directed their attention to the consideration of the establishment of a Lunatic Asylum for the cure of such as are within the reach of human skill, and for the comfortable support, and for the amelioration of the condition of that unfortunate class of our fellow-beings, visited with the most direful of all human maladies—the permanent deprivation of their reason. From the best information within the reach of your committee, there must be within our State, some eight hundred persons laboring under mental derangement. 80

Many of this most unhappy portion of our community, for want of better places of security, have been shut up with culprits and malefactors within the cold and noisome cells of our prison houses, there to drag out the miserable remnant of their days, without fire to warm their benumbed limbs during the inclement season of winter, and without friends or relatives to administer to their wants, or to soothe and calm the tempest raging within their distempered imaginations. Your committee know of several of this unfortunate class, who have been imprisoned in this way for the last ten or fifteen years, and



where they have endured a degree of suffering and privation revolting to humanity ; and it is a most lamentable fact, that the uniform result of this course of treatment is permanent, confirmed derangement. How different the picture ! how changed the result ! when these most afflicted sons and daughters of our race, within a reasonable period after these dreadful visitations, are placed in one of these asylums for the insane, where they receive all those kind attentions, all that soothing and consoling treatment, which their unhappy condition demands ; and where all that art, science or human ingenuity can suggest for their recovery is sure to be resorted to. It is a fact, gratifying to the cause of humanity, and one which ought to be known throughout the length and breadth of our common country, that the statistical tables of lunatic asylums, shew that, out of every hundred timely applications for aid to these institutions, eighty-five patients are returned to society and their friends, completely restored to their reason. So that this dreadful malady, which the last generation considered as incurable, is as much within the reach of medical skill and other proper treatment, as almost any disease flesh is heir to.

Can we, then, in view of these important results and facts, fold our arms in inactivity ? Can we satisfy our own consciences with the flimsy excuse, that the financial concerns of the State are in an embarrassed condition ; that we have not the money wherewith to accomplish this most desirable object ? Surely that is no excuse for the failure to discharge a duty of such high and imperious obligation.

Remember, that out of every hundred of our fellow-citizens visited with this most direful of all maladies, eighty-five, by the aid which it is in our power to give, and which it is our highest duty to provide, may be restored to their reason, and returned again to their friends and to society, to enjoy once more the blessings showered upon us by a bountiful Providence.

Remember that without this provision which we alone can furnish, these eighty-five out of every hundred persons that might become useful members of society, must drag out a miserable existence, the inmates of the prison house, the associates of thieves and felons. Can we discharge our whole duty, and make no provision for this most afflicted portion of the community, whom the all-wise dispensations of Providence have rendered incapable of providing for themselves ? Is it not the imperative duty of every government to provide for those who are unable to provide for themselves ? If we have not the funds necessary for the accomplishment of this high trust, is it not our duty to provide the ways and means ?

Your committee believe that they cannot discharge their whole duty, without extracting from the reports of the humane, talented and scientific gentlemen now at the head of the Virginia Lunatic Asylum, some of the cases of remarkable cures, that have been effected at that institution.

Case 1, "was a young gentleman, twenty-one years of age, the son of a highly respectable individual, (now deceased) who was formerly a prominent and efficient member of the Virginia Legislature. With a good natural mind, improved by education and such other advantages as wealth had supplied, and with a disposition uniformly cheerful, he was at all times a most interesting patient and companion. In the autumn of 1842, he was attacked with bilious intermittent fever, which, although speedily arrested, was followed by gloom and depression of spirits; an aversion to company, indisposition to engage in business or pleasure, and an indifference to his property or money. These symptoms continuing for about two months, his mind then became harrassed with delusions of a distressing character, such as that he was surrounded by foes, who were plotting his destruction; that his former friends were converted into most bitter enemies; that he was doomed to perpetual punishment, &c. He remained in this unhappy state, in despite of all that medical skill or the ceaseless efforts of kind and sorrowing friends could effect, until the spring of the year 1843, when suddenly his spirits revived, he became excessively loquacious, sought society, and his former delusions gave place to those of an inspiring and cheerful nature. He now expressed himself as being exquisitely happy, and abounding in confidence and love to the whole human family—fancied himself by turns a poet, philosopher and statesman; was at one time a saint, enjoying the delights of the garden of Eden; at another, Noah riding in triumph upon the floods; and finally became the Creator of the Universe. When urged by the brother, who accompanied him to this institution, to remain here under our care, he was unable to perceive why he should do so—scouted the idea of his laboring under mental disorder, which was delicately hinted to him, and declared his unwillingness to be sane, if his then condition was considered insanity; "for," he emphatically remarked, "my cup of happiness is now so full, it will contain no more; if there be any change, it must be diminished, and I cannot consent to place myself under medical or moral influences to produce such a result." After much persuasion, however, accompanied with the assurance that we could render him more useful, if not more happy, he consented to take an apartment in



the institution for six months; but before this period elapsed, our young friend so far recovered, as to look back upon his delusions, as one who awakes after pleasant dreams. He soon realized fully what had been the condition of his mind. His happiness became of a more real and substantial character, and he left us felicitating himself upon his restoration to reason, and expressing the warmest gratitude to all who had in any manner been instrumental in doing him good.

Case 2d, "was a young married lady of graceful person, accomplished manners, cultivated intellect, and withal had been an exemplary member of the Christian church. She came to us excited, boisterous, destructive and profane. At one moment, acknowledging the goodness of her Savior, and supplicating blessings for herself and friends; and at another, bidding defiance to Omnipotence, and lavishing imprecations on all around her—now singing the praises of her Redeemer, and again uttering curses against her fellow men. This was a case of nervous insanity, being puerperal in its origin, and all connection with home and friends having been severed, it soon yielded to a course of anodyne treatment. Not many days elapsed after the first administration of remedies, before she became tranquil, resumed her wonted lady-like deportment—expressed feelings of affection for her husband, against whom she had conceived a most groundless and bitter prejudice—manifested solicitude about her infant children, towards whom she had been unnaturally indifferent—exhibited a return of kind feelings towards all whom, in moments of excitement, she had slandered and abused, and in a short time was restored to her home, which she has no doubt made happy by her intelligence and her virtue—and to society, of which she is an ornament.

Case 3d, "was a man without family, of stout athletic frame, and stentorian voice, who came to us laboring under violent mania. He had been closely bound with cords for about thirteen months, during which period, although sometimes calm, his friends deemed it unsafe to release him, even for a day. When he arrived here, his mind was unsusceptible to impressions from moral agencies, and hence neither persuasions, promises, nor threats, could in any degree influence his actions. He was not only boisterous, but profane beyond description, and resisted with the power of a maniac all efforts to promote his comfort or allay his excitement. His symptoms were precisely those which are ascribed by the profession generally to high arterial action, and treated by an energetic course of depletion. Our experience, however, guarded us against confounding effect with cause, and hence after inquiring minutely into the history of his case,

and investigating closely his condition, we were induced to prescribe forthwith narcotics in large doses to be frequently repeated. The difficulties encountered may be in some measure conceived, from the statement, that in order to administer medicines, each of his limbs had to be closely confined, and then with the aid of some three or four assistants, and after repeated attempts, but small quantities were ever introduced into the system. By perseverance, however, the anodynes administered, thus imperfectly, produced some degree of calm, and diminished somewhat the difficulties in repeating the doses, until finally he was subjected fully to the narcotic influence, and the excitement which would have been aggravated by blistering, bleeding and purging was entirely subdued. Reason gradually resumed her sway. The cords which had so long bound him were severed, and he became entire master of his thoughts and actions. He left us perfectly himself, with tears in his eyes, and expressing a lively gratitude to us for having loosed his fetters and bid him go free.

Case 4th, "was a highly respectable gentleman, who had been esteemed by all who knew him, as an affectionate husband, a fond father, a generous friend, and in all respects a worthy citizen. As a merchant he had encountered severe pecuniary losses, through misfortune rather than mismanagement on his part, which for a time arrested his business and operated seriously to depress his spirits. About this time he was attacked with bilious fever, which left his physical energies materially impaired, and aggravated his mental despondency. In the fall of 1842, and before he had regained his health or spirits, he resumed his mercantile business, and without feeling or manifesting much interest in his affairs, continued to give them his partial attention until August, 1843, when his friends became satisfied that his mind was materially diseased. The evidences of this fact rapidly multiplied, and he soon became maniacal, when his family, under the advice of an intelligent physician, and contrary to his own remonstrance, placed him in this Asylum. On his arrival he was feeble and emaciated, slept but little, was without appetite, and so extremely unhappy, that a fond brother, who accompanied him, expressed the most painful apprehension, lest he should be driven to terminate his own existence. His delusions varied frequently, but were all of a destructive character. His wife's image seemed to haunt him by day and by night, and no persuasion or argument could convince him that he did not constantly see or hear her. At one time he believed his little son was about being sacri-



ficed for the redemption of his soul, and then in agony beyond description, and with a fervor which betokened the sincerity of his conviction, he prayed that the sentence might be averted. At another time he considered himself as doomed to be devoured by lions, and with an anxiety painful almost beyond endurance, he seemed to await the arrival of those who had been appointed to cast him into the den. He could often observe demons surrounding him on every side, and his ingenuity was severely taxed to escape the flames which issued from their nostrils. These, and such like, were the hallucinations which destroyed his peace, and rendered him of all men the most miserable. He was not long under our care before his malady seemed to yield somewhat to the operation of remedies. His physical health improved. He became gradually more tranquil—one delusion after another was surrendered—his spirits became cheerful, and eventually he was able to leave us in the full possession of his reason, a most grateful and happy man."

The committee have not time to relate any more of the interesting cases of complete recoveries effected at the Virginia Asylum; but they would beg leave to refer to the able reports of that institution, where much interesting matter will be found to aid the Legislature in any course they may deem it most advisable to pursue.

Your committee would further remark, that institutions for the insane, are not alone beneficial on account of the great number of cures effected. It is clearly established at this time, that institutions for the insane are highly important on account of the great advantages conferred at such establishments upon those whose diseases are incurable. It is now clearly demonstrated, (says Dr. Stribling, in his report of the Western Lunatic Asylum, made in Jan. 1842,) "that by humane and judicious attentions, the maniac, however rivited the disease, can, in his wildest paroxysms of phrenzy, be soothed and tranquilized. The dejected and care-worn melancholic can be cheered and enlivened. The dreadful apprehensions and imaginary sufferings of the miserable hypochondriac can be dispelled or suspended. The thoughts of the unhappy monomaniac can be diverted from the topic of hallucination which had dethroned his reason, rendering him a burthen to himself and a drone in society; and all, whatever the character or grade of their malady, can be rendered, for a time at least, both useful and contented." To illustrate the truth, that even the hopelessly insane can, by proper management, be rendered both useful and happy, the following case, (says Doctor Stribling,) is selected from many of which this institution can proudly boast. No. 65 has been insane about ten years, and those



who knew him best, having apprehended danger from his being permitted to go at large, he was confined for some years to the jail of \_\_\_\_\_ county, awaiting a vacancy in this asylum. He is quite poor, and previous to his mental affliction, supported himself as a common day laborer. He fancies himself a mysterious being, who came into the world, he knows not how—and from—he knows not where, unless, indeed he “dropped from the sun.” Of this, however, he is certain, that he never had father or mother in the flesh—that he was not conceived, neither was he born. He believes himself possessed, if not of ubiquity, at least, of being in several places very remote from each other at one and the same time, and will relate to you, with much earnestness, the different occupations in which he is constantly engaged at these various locations. He holds frequent converse with his “father, the spirit,” who, although invisible to others, is distinctly seen and heard by him, and renders to him daily an account of the product of his multiplied labors, which amounts, according to his estimate, to no inconsiderable sum. The father is entitled to one half his earnings, and the remainder, numbering at this time, many millions, is at a future day to be at his own disposal. Notwithstanding, however, the immense wealth of this individual, and the high distinction of being unencumbered with mortality, he is one of the most industrious and useful men, that I have ever seen in the sphere to which he belonged prior to his insanity. He regards neither weather or any other obstacle, but is constantly engaged in necessary and profitable labor. It is only required to intimate what you wish done, and he accomplishes it expeditiously and properly. He is permitted to go alone any where that business may call, and is often engaged in labor during the whole day, remote from the building and out of view of both officers and attendants. Such, indeed, is our confidence in him, that we have even trusted to his charge our stock of cattle and hogs, numbering about forty head; the duty of feeding and otherwise taking care of which, he performs regularly and with scrupulous fidelity. Instead, therefore, of being in the common jail (from whence he was brought to us) in a state of filth and wretchedness, at a cost to the commonwealth of about two hundred and fifty dollars per annum, he is here a genteel, orderly, industrious individual, who is at all times cheerful and happy, and is, moreover, by his labor, saving annually to the State the sum which it would otherwise require to hire and support a laborer to perform more imperfectly the duties now discharged by him.”



The foregoing is but one among the numerous cases to be found at these humane institutions. Indeed it appears, that the great body of the insane at the Western Lunatic Asylum are able to work a large portion of the time, upon the farm attached to the institution, and that they are nearly all comparatively contented and happy.

There are in North Carolina, according to the best information within the reach of your committee, one hundred and fifty two white insane persons supported at the public expense, and four hundred and eighty supported by private expense; making in the commonwealth five hundred and eighty nine insane white persons. Of free persons of colour, there are 29, and of slaves 192: so that the whole number of insane persons in the State is 810. The following statistical tables shew the number of white insane in the several States and Territories; the comparative expense of supporting chronic and recent cases of insanity; and the expenditures for the erection of Asylums for the insane and the number of patients accommodated at such institutions. Your committee believe that a failure to discharge the high trust devolved upon the Legislature, by providing an Asylum for the insane of our State, would constitute a dereliction of duty for which no adequate excuse can be rendered.

TABLE showing the number of white Insane persons in the several States and Territories.

| STATES.              | W H I T E S.       |                     |        |             |                                           |
|----------------------|--------------------|---------------------|--------|-------------|-------------------------------------------|
|                      | Public<br>Expense. | Private<br>Expense. | TOTAL. | Population. | Proportion<br>of insane to<br>Population. |
| Maine                | 207                | 330                 | 537    | 500,438     | 1 to 932                                  |
| New Hampshire        | 180                | 306                 | 486    | 284,036     | 1 to 584                                  |
| Massachusetts        | 471                | 600                 | 1071   | 729,030     | 1 to 680                                  |
| Rhode Island         | 117                | 86                  | 203    | 105,587     | 1 to 520                                  |
| Connecticut          | 114                | 384                 | 498    | 301,856     | 1 to 606                                  |
| Vermont              | 144                | 254                 | 398    | 299,218     | 1 to 731                                  |
| New York             | 683                | 1463                | 2146   | 2,378,890   | 1 to 1,108                                |
| New Jersey           | 144                | 225                 | 369    | 351,588     | 1 to 952                                  |
| Pennsylvania         | 469                | 1477                | 1946   | 1,676,115   | 1 to 861                                  |
| Delaware             | 22                 | 30                  | 52     | 58,561      | 1 to 1,126                                |
| Maryland             | 133                | 254                 | 387    | 317,717     | 1 to 821                                  |
| Virginia             | 317                | 731                 | 1084   | 740,968     | 1 to 707                                  |
| North Carolina       | 152                | 428                 | 580    | 484,870     | 1 to 836                                  |
| South Carolina       | 91                 | 285                 | 376    | 259,084     | 1 to 689                                  |
| Georgia              | 51                 | 243                 | 294    | 407,695     | 1 to 1,386                                |
| Alabama              | 39                 | 193                 | 232    | 335,185     | 1 to 1,444                                |
| Mississippi          | 14                 | 102                 | 116    | 179,074     | 1 to 1,543                                |
| Louisiana            | 6                  | 49                  | 55     | 158,457     | 1 to 2,880                                |
| Tennessee            | 103                | 596                 | 699    | 640,627     | 1 to 916                                  |
| Kentucky             | 305                | 490                 | 795    | 590,253     | 1 to 742                                  |
| Ohio                 | 363                | 832                 | 1195   | 1,502,122   | 1 to 1,257                                |
| Indiana              | 110                | 377                 | 487    | 678,698     | 1 to 1,393                                |
| Illinois             | 36                 | 177                 | 213    | 472,254     | 1 to 2,217                                |
| Missouri             | 42                 | 160                 | 202    | 323,888     | 1 to 1,603                                |
| Arkansas             | 9                  | 36                  | 45     | 77,174      | 1 to 1,715                                |
| Michigan             | 2                  | 37                  | 39     | 211,560     | 1 to 5,424                                |
| Florida              | 1                  | 9                   | 10     | 27,943      | 1 to 2,794                                |
| Wisconsin            | 1                  | 7                   | 8      | 30,749      | 1 to 3,843                                |
| Iowa                 | 2                  | 5                   | 7      | 42,924      | 1 to 6,132                                |
| District of Columbia | 1                  | 13                  | 14     | 30,657      | 1 to 2,189                                |



TABLE, showing the comparative expenses of supporting chronic and recent cases of insanity.

| OLD CASES. |           |                        |                     | RECENT CASES. |            |                        |                     |
|------------|-----------|------------------------|---------------------|---------------|------------|------------------------|---------------------|
| No.        | Prs' age. | Time at public expense | Total ex-<br>pense. | No.           | Prs't age. | Time at public expense | Total ex-<br>pense. |
| 1          | 35        | 14 years               | 2058 00             | 135           | 23         | 16 weeks.              | 50 00               |
| 3          | 44        | 16 "                   | 2552 00             | 136           | 42         | 16 "                   | 60 00               |
| 4          | 51        | 16 "                   | 2552 00             | 138           | 50         | 29 "                   | 86 00               |
| 5          | 54        | 14 "                   | 2158 00             | 141           | 26         | 16 "                   | 50 00               |
| 7          | 44        | 15 "                   | 2305 00             | 145           | 60         | 20 "                   | 62 00               |
| 12         | 39        | 14 "                   | 2158 00             | 154           | 27         | 20 "                   | 70 00               |
| 23         | 61        | 15 "                   | 2240 00             | 160           | 30         | 4 "                    | 13 00               |
| 24         | 53        | 13 "                   | 1911 00             | 164           | 47         | 4 "                    | 13 00               |
| 25         | 51        | 14 "                   | 2158 00             | 179           | 27         | 22 "                   | 84 00               |
| 35         | 41        | 13 "                   | 1911 00             | 188           | 40         | 36 "                   | 143 00              |
| 37         | 37        | 14 "                   | 2240 00             | 190           | 33         | 16 "                   | 57 00               |
| 39         | 43        | 13 "                   | 1944 00             | 193           | 45         | 12 "                   | 37 00               |
| 40         | 51        | 12 "                   | 1764 00             | 195           | 50         | 20 "                   | 62 00               |
| 43         | 40        | 12 "                   | 1764 00             | 197           | 48         | 16 "                   | 49 00               |
| 52         | 39        | 12 "                   | 1864 00             | 198           | 20         | 32 "                   | 131 00              |
| 54         | 41        | 11 "                   | 1617 00             | 199           | 37         | 16 "                   | 89 00               |
| 56         | 61        | 15 "                   | 2605 00             | 206           | 14         | 24 "                   | 99 00               |
| 59         | 51        | 10 "                   | 1470 00             | 207           | 36         | 12 "                   | 37 00               |
| 62         | 36        | 15 "                   | 2705 00             | 210           | 19         | 12 "                   | 55 00               |
| 65         | 39        | 10 "                   | 1677 00             | 215           | 28         | 6 "                    | 18 00               |

Table showing the Expenditures for the erection of Asylums, and the number of patients accommodated at such institutions.

| Name of Asylum.                       | State.        | Number of pa-<br>tients accom-<br>modated. | Cost of con-<br>struction includ-<br>ing Land &c. |
|---------------------------------------|---------------|--------------------------------------------|---------------------------------------------------|
| Bloomington Asylum                    | New York      | 150 abt.                                   | \$219,000                                         |
| State do                              | do            | 1000                                       | 500,000                                           |
| Pennsylvania Hos-<br>pital for Insane | Pennsylvania  | 210                                        | 325,000                                           |
| Friend's Asylum                       | do            | 65                                         | 84,000                                            |
| Insane Hospital                       | Maryland      | 120                                        | 200,000                                           |
| McLean Asylum                         | Massachusetts | 140                                        | 250,000                                           |
| State do                              | do            | 230                                        | 103,000                                           |
| State do                              | Ohio          | 145                                        | 108,000                                           |
| State do                              | So. Carolina  | 100                                        | 100,000                                           |
| Western do                            | Virginia      | 140                                        | 70,000                                            |

Your committee would, therefore, recommend that an appropriation of twenty five thousand dollars out of the fund for internal improvement be made for the purchase of a site and for the erection of a Lunatic Asylum, and that commissioners be appointed to make the purchase and to superintend the erection of the necessary buildings.

Your committee next turned their attention to that part of the Governor's message, that relates to a provision for the blind. Your committee fully concur in the recommendation of his Excellency, that some provision ought at once to be made for this afflicted portion of our community. They believe that next to the insane, the blind merit the especial attention of the Legislature. There are according to the last census, in this commonwealth two hundred and twenty three blind persons; but from other sources of information, your committee believe the number is much larger, and that there cannot be less than three hundred and fifty. According to the statistical tables upon this subject, it seems that there is one blind person in every 1260.

After what has transpired in the Capitol during the present session, your committee believe it would be an unnecessary waste of the time of the Senate to say any thing upon the subject of the facility with which the blind can be instructed in reading, writing, arithmetic, algebra, geometry, and the higher branches of mathematics; as well as in many of the useful arts and mechanical trades. It was indeed a matter of deep and abiding interest to see children of both sexes, of from ten to eighteen years old, who had been blind from their nativity, reading the words of eternal life by the mere sense of touch, with almost the same facility as those who are blessed with the sense of vision. The fact is established beyond controversy, that the blind can be taught with ease all those branches of learning usually taught in our schools and academies, and that they can also be learned most of the useful arts and mechanical trades. Your committee deem it the imperative duty of the Legislature to make some provision for their instruction.

The proceeds of the Literary fund, amounting to some ninety thousand dollars annually, have been distributed for the last several years for the instruction of our youth.

The blind have and can receive no part of the benefit derived from the distribution of this fund under the present laws, for the reason that ordinary books and teachers are of no service to those bereft of this most important of all our senses.

Your committee, therefore, think it but an act of sheer justice to this unfortunate portion of our youths to set apart some por-



tion of this fund for their instruction, and more especially for that portion who are unable to bear the expense necessarily attendant upon this mode of instruction.

In addition to setting apart a portion of the literary fund for the instruction of the blind, your committee would suggest the propriety of imposing upon the several county courts the duty of raising, by taxation, one half of the necessary expense attendant upon the instruction of the poor and destitute blind persons that may receive instruction from their several counties.

Your committee have also considered that part of the Governor's message which relates to the subject of an Asylum for the deaf and dumb, and they fully concur in the recommendation of his Excellency that no adequate excuse can be given for a neglect to perform this high trust. According to the last census, there are some two hundred and eighty three deaf and dumb persons in this Commonwealth; but from other reliable sources of information, your committee believe the real number is much larger, and that there are more than four hundred of this unfortunate class of our fellow citizens, for whom no provision for instruction whatsoever has been made. The statistical tables upon this subject shew that there is one deaf and dumb person in every thousand. Upon the facility with which deaf and dumb persons can be instructed, your committee would deem it a useless consumption of the time of the Senate to offer any observations of their own. The exhibition in the Capitol a few evenings since, must have fully satisfied all who were present.

Your committee, therefore, recommend, the passage of the accompanying bill.

NATHANIEL BOYDEN,  
Chairman of Select Committee upon Asylums.

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LEGISLATURE OF NORTH CAROLINA.

IN HOUSE OF COMMONS, JAN. 8, 1845.

Read and ordered to be printed.

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REPORT

OF

THE COMMITTEE

ON

ASYLUMS FOR THE DEAF AND DUMB,

BLIND AND INSANE.

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The Committee to whom was referred so much of the Governor's Message as relates to Asylums for the deaf and dumb, the blind and insane, beg leave to submit the following report :

Your committee have felt the difficulty and embarrassment that surrounded these subjects, growing out of the present condition of the public treasury—the various demands to be made on the same, which must be complied with, and the fear of an unwillingness on the part of a large portion of the people of the State to submit to any further taxation to begin so many experiments at the same period of time, to which they have paid but little attention, and of which they have no information in regard to their practical operations. And though your Committee have the greatest confidence in the intelligence, virtue and benevolence of our citizens and of the willingness and cheerfulness on their part to relieve the distress and increase the comfort of their fellow-men, by any means in their power; yet they are not insensible to the fact that these subjects have received but little notice by our past Legislatures and that no information concerning them, has been given to their respective consti-



tuency. That there will be found in North Carolina, a very small (if any) portion of her citizens who will deny that it is their duty, and who will prove their willingness, to establish asylums for this destitute and unfortunate portion of our citizens by submitting to any rate of taxation whenever they see the benefits they confer thereby, as well upon themselves, as upon the recipients of their bounty, your committee have no doubt: yet to levy now a tax sufficient to erect edifices for these separate objects of charity and to keep them in successful operation, your committee fear would be running ahead of public opinion, and end in the failure to accomplish any thing for the melioration of the condition of these persons, for many years to come.

The recent visit made us by a number of the blind pupils of the Va. Asylum, under the charge of their teachers, and the more recent exhibition by a deaf mute, a citizen of our own State, under the direction of his teacher, has satisfied all, (of what many were before sceptical) as to practicability of giving to this class of our population a course of education as varied and equal in extent, as that taught in our best schools to those not deprived of these senses. The feasibility then of educating these classes of persons, is no longer to be regarded as a doubtful experiment, but as a system reduced to practical utility. Passing by the question of duty that we are under, (for your committee take it for granted, that none who have witnessed the benefits afforded by education to this class of our citizens will deny this duty,) by the obligations of humanity and religion, to extend every comfort and happiness to the afflicted—passing by the benefits conferred upon the objects of our charity—the affording of almost sight to the blind, and speech to the dumb—the imparting the knowledge of their divine origin, before unknown to them—the creating of avenues to the knowledge and realization of the hope of salvation—your committee would respectfully suggest some brief views as to the importance, on the score of policy and economy, of establishing some system for the education of these persons.

Your committee find, by reference to the able communication submitted by the late Executive of the State on these subjects, during the present session, from an extract taken from the last census, that there are in this State two hundred and eighty-three deaf and dumb, and 223 blind persons; of the number of the deaf and dumb, less than half are of that age capable of receiving an education, and of the blind, a less number perhaps are of the proper age.

Those who have passed the proper age may be considered, with but few exceptions, in very needy circumstances, and are therefore a charge upon the public. If there had been then Asylums for the education of these two classes of persons, heretofore established, or an appropriation set apart for their education at some other institution, we may conclude that the largest number of them would now be engaged in useful avocations, not only saving the charge to the State of their support, but in addition yielding some revenue to the Government: for, from information derived from institutions now in successful operation, we know that they are taught various useful trades and professions, and arrive at great proficiency in them.

We know too, that without education a large portion of the blind and of the deaf and dumb pass into the class of the insane: so that we not only improve the condition of the blind and of the deaf mutes and add thereby to the revenues of the State, but in addition save the charge of sustaining the insane, by reducing their numbers.

What then can be done by this present General Assembly for the education of the blind and of the deaf and dumb, has been the earnest enquiry of your committee. In order to fix upon some system as a commencement for their instruction, which will give to the people of the State a more immediate acquaintance with the benefits derived to this class of their citizens, and of the profit accruing to the State, and thus insure in a very few years the establishment of permanent asylums for the blind and for the deaf and dumb, your committee are unanimously of the opinion, that a portion of the proceeds of the Literary fund should be set apart for their instruction—say the sum of two thousand five hundred dollars annually for the blind, and two thousand five hundred dollars annually for the deaf and dumb; and that each county shall pay one half of the expenses and tuition of each student it may send. Your committee cannot believe there are any who will object to this appropriation. This fund has been set apart by our Legislature for the education of the poor of the State. And can it be said that this class of destitute citizens are exempt from its benefits? Are the afflicted and unfortunate to be neglected in the ratio of their misfortunes? and those blessed with all their senses to be fostered in the proportion of their enjoyment of these blessings? Your committee cannot entertain this idea and will not permit themselves to doubt, that this recommendation will meet with a unanimous concurrence.

Nor have your committee felt less solicitude for some provision for the necessities of that unfortunate class of our citizens, the insane



of our State. Their suffering condition calls loudly upon our sympathy and charity to do something for their comfort and relief. They too are indigent. From the communication before referred to, it will be seen that the number of insane supported at private charge are 428; and the number at the public expense are 154. But may we not reasonably conclude, that the larger proportion of those upon private charge, barely receive the necessaries of life, and nothing towards the alleviation of their afflictions or the restoration of their reason? Can we expect to continue in the enjoyment of the blessings of Providence, which have been so bountifully lavished upon us, if we should continue in the open violation of so great a religious and high moral duty by neglecting the calls of this portion of our suffering brethren? It requires no argument to prove, that by a proper care, under a well regulated lunatic asylum, many of this class can be restored to the rational enjoyment of their faculties.

But should this not be the case, is the obligation upon us in anywise diminished to provide for their comfort and necessities? Your committee would therefore recommend that an appropriation of twenty-five thousand dollars, out of the fund heretofore set apart for internal improvement, be made for the erection of a lunatic asylum, and that commissioners be appointed to purchase a site for such asylum, and contract for the erection of suitable buildings thereon. Surely a portion of this fund cannot be better applied than by improving the moral and intellectual condition of our insane. Your committee would add in this connection, that if a penitentiary system should be established, (of which your committee have little doubt) the profits arising therefrom would be a fund to be applied with much fitness to the benefit of all of these objects of charity.

In conclusion, your committee would add, in the language of the distinguished gentleman who has just left the Executive Chair, "to resolve never to abandon the seats you now occupy, nor to behold your own beloved offspring, until you have done your duty towards these afflicted children of Providence, by the adoption of some measure for the improvement and amelioration of their condition."

To carry out the views of your committee, I am instructed to report the accompanying bills. All of which is respectfully submitted.

JAMES T. LITTLEJOHN,  
Chairman.

LEGISLATURE OF NORTH CAROLINA,

*In Senate, December 28, 1844.*

Read and ordered, on motion by Mr. Waddell, to be printed—10 copies for each member.

REPORT  
OF THE  
COMMITTEE ON THE PENITENTIARY.

The committee on so much of the Governor's Message as relates to a Penitentiary, respectfully submit the following Report:

The subject of the penitentiary system is not a new one in North Carolina. It has been frequently and earnestly agitated and discussed amongst the people, and in the Legislature. The current of public opinion has seemed to run in its favor; but your committee are not advised that it has ever been presented in so distinct and tangible a form, as to elicit a clear manifestation of the public will, either for or against its adoption. Nor have they the means of knowing what that will now is in relation to this subject. It is much to be regretted, that this most important question has never been presented, so disconnected from all subjects involving local and political excitement, and accompanied with such explanations touching its probable cost—its annual expense and production—its effects upon the progress of crime and the reformation of criminals, as might enable the public to arrive at a clear understanding of its merits, and a definite conclusion as to the expediency of its adoption in this State. It will be the purpose of your committee to furnish such details and statistics, gleaned from the scanty stock of materials within their reach, as may contribute in some degree to the general information. Without going into an elaborate argument, a few observations on the general question of expediency, may not be deemed inappropriate.

The experience of other States, both foreign and domestic, which have given the penitentiary system a thorough trial, furnish sufficient *data* for arriving at a safe conclusion as to its beneficial ope-



ration. Its history in our own country has been most favorable to the American penitentiary system. It is conclusively shown to have checked, if it has not materially diminished, the commission of crime—even amidst a population unparalleled for its rapid increase and heterogeneous character. By abrogating the barbarous punishments imposed by feudal times—which have not been touched by the meliorating influences of a more civilized age—we should but conform to, and sanction those just and benevolent considerations which look more to the prevention than the punishment of crime—more to the reformation than the punishment of criminals—which seek to temper justice with humanity, and to compel even the hardened culprit to regard the dispenser of justice more as a merciful judge, than a ruthless and savage avenger. The punishments of whipping, cropping and branding, sanctioned by our laws, are considered as not only impolitic, in view of their effects upon the prevention of crime and the reformation of offenders, but as uncongenial to the spirit of the age, and revolting to humanity. What *probability*—what *hope* is there, that the man who has become the victim of such torturing punishment, publicly inflicted in the presence of crowds usually attracted by such revolting exhibitions, ever *will* or *can*, rise above that condition of deep and irretrievable degradation into which he is sunk by so infamous a punishment? He knows that the brand of Cain is upon him—he bears upon his person the indellible and damning proof of his infamy. He is forced out of the circle of the reclaiming influences of personal pride, and the hope of future respectability. An impassable barrier separates him from all respectable association, and feeling that all is lost, he either sinks into the loathsome imbecility of drunkenness or into a new career of crime. Whatever palliation or excuse he might find in the sudden impulses of a hasty temper—in the ungovernable exasperation for great personal injury or insult—or in the frightful sufferings of penury and want—no matter how much the better impulses of his nature, and the pride of a once honest name, might stimulate him to regain a respectable position in society, he is yet crushed beneath the consciousness, that there are no oblivious waters in public sentiment that can wash out the scars of his lacerated flesh—no panacea in public sympathy that can heal the wounds of his mutilated person. These unhappy consequences do not so frequently or so necessarily result from the milder—better graduated, and less infamous punishments of a penitentiary code. Solitary confinement induces a communion with conscience: active employment gives a healthy action and beneficial direction to the mind. The convict is

cut off from the temptations and opportunities of evil associations; he acquires a habit of sober industry during a lengthened confinement: he finds in a profitable trade an additional security against the temptations which might otherwise assail him upon his discharge, to seek the means of living by his wits, by theft, robbery or murder; and not unfrequently, a conviction of the very practical truth, that "honesty is the best policy," is fastened upon his conscience and his judgment.

On the score of economy, your committee believe the argument is in favor of a penitentiary. In the States of New Hampshire, Massachusetts, Vermont, and New Jersey, where penitentiaries are established, the earnings of the convicts exceed the expenses. In Connecticut, the aggregate profits for twelve years, up to 1839, were \$63,920 12. In Kentucky, to the same period, they amounted to \$96,847 32. In Ohio, for the years 1837, 1838, 1839, to \$59,252 65. In Louisiana, for the years 1837 '38, to \$16,714 94. The profits of the Auburn penitentiary for the years 1838 '39, were \$3,490 25; and of the Sing Sing State Prison, N. Y., for the years 1837, '38, '39, were \$39,007 90. In Tennessee, for 1836 '37, the profits were \$14,430 41. It is to be regretted that we have no statistical reports from the Georgia penitentiary, from which, as from those of Tennessee and Kentucky, we might hazard some safe analogical deductions. But whilst the penitentiaries above enumerated have been profitable, those at Philadelphia, Pittsburg, Baltimore, Washington City, and in Michigan, have not paid expenses—the deficiencies ranging from \$3,700 to \$18,378, annually. Viewing this subject in its most unfavorable aspect, as to the question of economy, and granting that a penitentiary would be an annual charge to the State of \$10,000 (which sum is much above the average annual charge of the five penitentiaries above enumerated) we will now enquire whether this would not be the *cheaper* plan of punishment, to say nothing of its reformatory tendencies.

From the few and imperfect returns made to the Executive department, under the Act of 1838 '39, the committee have been able to collate some facts which may be useful in this connexion, as enabling them to arrive at conclusions, not altogether conjectural. Returns from thirty-five counties show that the number of prosecutions for the year prior to June 1st, 1840, for crimes and misdemeanors, was one thousand three hundred and fifty-eight. Of this number, seventy-nine were crimes of various grades from petit larceny to murder, of which there were thirty-two convictions, twenty-one acquittals, and twenty-two not tried. (We will here remark, *en pas-*



*sant*, that these returns also show, that in these thirty-five counties, there were two hundred and forty-nine lunatics and idiots.) Taking it for granted that the remaining thirty-five counties would have furnished an equal calender of crime, we have for that year, two thousand seven hundred and sixteen State prosecutions—one hundred and fifty-eight of which would be included in a penitentiary code. Of this number, sixty-four were convictions, forty-two were acquittals, and forty-four untried. From our own observations of criminal trials, may we not conclude that of these forty-four acquittals, many escaped conviction on account of the severity of the punishment and the humanity of the jury? These returns further show that in ten counties, the sums paid for the prosecution of insolvent criminals and their maintenance in jail, for the year 1839, amounted to the sum of \$4,110 97, which is an average for each county, of \$411 10. We may assume that half of this sum was incurred in the prosecution of State prison offences, and that is a fair average for each county. From these *data* then we have the sum of \$15,000 00 annually expended in the State of North Carolina, for the prosecution and maintenance, in jail, of insolvent criminals, charged with the commission of penitentiary offences. Assuming, then, that a penitentiary would be a public charge of \$10,000 00 annually (which it probably would not be,) it would be a saving of expense in the administration of the criminal law.

As to the cost of construction, the committee do not possess sufficient information to enable them to make any estimate which they can confidently recommend as being correct. It necessarily depends upon the extent of the work, and is usually estimated by the cell. Penitentiaries built upon the Auburn system are generally preferred for their cheapness, as well as their internal arrangement and superior discipline. The buildings and ground of the Maine Penitentiary cost \$30,000 00, while the Auburn cost over \$600,000 00—the number of cells not known.

The cost of the Cherry Hill Penitentiary, at Philadelphia, was

|   |                       |                      |
|---|-----------------------|----------------------|
|   |                       | \$1,648 00 per cell. |
| " | Pittsburg,            | do 978 00            |
| " | Charlestown, Mass.    | do 286 00            |
| " | Sing Sing, N. Y.,     | do 200 00            |
| " | Weathersfield, Conn., | do 150 00            |
| " | Baltimore, Maryland,  | do 146 00            |

From these facts we may conclude with some certainty that the cost of such a building in this State would not *exceed* \$500 per cell, and would probably fall much short of it. But we will put it down at five hundred dollars. We have shown above, the probable average

number of convictions for State Prison offences, annually, to be about sixty-four. The number of prisoners, in the year 1839, in the Ohio penitentiary, was 485—in Baltimore, 328—in Kentucky, 157—in Washington City, 62—in Tennessee, in 1837, it was 122. No statistical information on the various matters considered in this report, of a later date than 1839, are within the reach of this committee. May we not assume, then, as a basis of calculation, that a building with two hundred cells would be sufficiently extensive for this State. Two hundred cells at \$500 per cell, fixes the cost of this work at \$100,000.

The question now comes up, of the ways and means. How shall the funds be raised? We answer, by direct taxation. This is the source, and the only source from which they can come, without interfering with the arrangement of, and diverting from its great and patriotic purposes, our Common School Fund. Your Committee would most earnestly protest against such appropriation of that fund. Can this sum of one hundred thousand dollars be raised by taxation without distressing the people? We think so. The time necessary for arranging the plan and constructing all necessary buildings, would probably be four years. This sum, therefore, could be collected in four annual instalments, that is to say, \$25,000 per year. By the Comptroller's & Treasurer's Reports, made to the present session of the General Assembly, the land and town property tax for the year 1843, amounted to \$31,722 30, raised by a tax of six cents on the hundred dollars valuation: and the poll tax amounted to \$31,886 65, raised by a tax of twenty cents on the poll—making the aggregate sum of \$63,608 95. The calculation, then, is a very simple one, that an additional tax of three cents on land and eight cents on the poll for four years would produce a sum sufficient to build a Penitentiary at the cost estimated above. And it should be borne in mind that after the building is in a state of forwardness, the convicts themselves can be made to do the work and make such additions from time to time as may be needed. Let it not be forgotten, that this additional tax of three and eight cents, is *less* than is annually paid by our citizens to defray State prosecutions, &c., under the existing laws, as shown by a preceding part of this report.

There are various subjects involved in the consideration of the Penitentiary system not now necessary to be adverted to, and which will more appropriately become questions of discussion, inquiry and adjustment, when it shall be decided that we will build a penitentiary. The question now arises, how and by whom is this decision to be made? We answer by the People themselves, by a direct vote.



Your committee do not feel themselves warranted, under the present and prospective embarrassments in the finances of the State, in recommending that a tax be laid by the present General Assembly for the erection of a penitentiary, in the absence of an unequivocal and decisive expression of the public will on the subject. Your committee are not insensible of the claims which propositions for other public institutions of perhaps equal importance, have upon the favorable consideration of the people and of the Legislature. The deaf and dumb—the blind and the insane, have claims upon the public sympathy and the legislative bounty. Their misfortunes, their sufferings, and their helpless condition appeal to us through urgent impulses of humanity, and the sternest teachings of public duty. Almost every civilized community has responded to these appeals in the establishment of suitable institutions and asylums. The happy results of these State charities have more than realized public expectation. Hundreds have been rescued from the sufferings and horrors of insanity, and restored to reason and to society. Deaf and dumb mutes have been elevated from the mere animal existence of the brute to the sentient and moral condition of intelligent man. To the blind—those whose organs of sight are closed against the ordinary modes of instruction—has been given that intellectual vision, that light of the mind, which enables them to be freed from continual dependence—to be useful in society—and to find sources of enjoyment and happiness in the stores of intellectual acquirements. The committee, therefore, would not invoke exclusive attention to the special subject committed to their inquiry, excluding or postponing all others, alike entitled to public consideration, but are still deeply impressed with its great importance, and the propriety and necessity of some expression of public opinion.

The committee have annexed to this report, and ask that they may be taken as part of it, two tables, which may serve for reference and comparison: One marked A, exhibiting the number of convictions for the crimes annexed, in each year, during 14 years as taken from the Register of the Auburn Prison, N. Y. The other, marked B, exhibiting the "Progress of Crime" in the various States included therein.

That the views of the committee, as set forth in this Report, may be carried out, I am instructed to report the accompanying bill and recommend its passage, and ask to be discharged from the further consideration of the subject.

Respectfully submitted.

H. B. ELLIOTT,

Ch'n Pen'y Committee.

December 22, 1844.

# A STATE PRISON AT AUBURN, N. Y.

The following table exhibits the number of Convictions for the crimes annexed in each year, during fourteen years as taken from the Register of the Prison.

|                                            | 1823 | 1824 | 1825 | 1826 | 1827 | 1828 | 1829 | 1830 | 1831 | 1832 | 1833 | 1834 | 1835 | 1836 | Total. |
|--------------------------------------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
| Grand Larceny, - - -                       | 71   | 69   | 67   | 61   | 79   | 65   | 77   | 46   | 68   | 67   | 62   | 56   | 110  | 82   | 980    |
| Pett Larceny, - - -                        | 8    | 6    | 15   | 16   | 28   | 23   | 34   | 19   | 28   | 33   | 28   | 27   | 21   | 20   | 306    |
| Forgery, - - -                             | 10   | 18   | 20   | 16   | 14   | 16   | 12   | 15   | 10   | 21   | 31   | 27   | 17   | 10   | 237    |
| Burglary, - - -                            | 6    | 3    | 6    | 4    | 6    | 21   | 8    | 11   | 23   | 23   | 25   | 29   | 34   | 27   | 227    |
| Making or passing Counterfeit Money, - - - | 15   | 31   | 17   | 6    | 20   | 12   | 6    | 3    | 12   | 6    | 12   | 10   | 6    | 7    | 163    |
| Perjury, - - -                             | 7    | 6    | 5    | 4    | 1    | 4    | 7    | 2    | 2    | 5    | 5    | 3    | 7    | 4    | 64     |
| Assault & Battery to kill, - - -           | 2    | 2    | 3    | 3    | 11   | 5    | 5    | 2    | 8    | 11   | 6    | 3    | 7    | 6    | 69     |
| Assault & Battery to rape, - - -           | 2    | 9    | 1    | 9    | 2    | 9    | 4    | 4    | 4    | 2    | 2    | 2    | 2    | 4    | 54     |
| Manslaughter, - - -                        | 4    | 2    | 2    | 5    | 5    | 1    | 2    | 2    | 7    | 4    | 1    | 4    | 3    | 3    | 44     |
| Arson, - - -                               | 9    | 1    | 5    | 1    | 1    | 1    | 5    | 1    | 1    | 4    | 3    | 3    | 3    | 1    | 37     |
| Bigamy, - - -                              | 2    | 2    | 2    | 3    | 4    | 2    | 2    | 1    | 2    | 3    | 3    | 4    | 4    | 4    | 27     |
| Rape, - - -                                | 1    | 2    | 3    | 1    | 4    | 3    | 3    | 1    | 2    | 3    | 3    | 4    | 4    | 2    | 29     |
| No. of convictions, - - -                  | 135  | 149  | 146  | 129  | 175  | 162  | 160  | 105  | 167  | 168  | 178  | 170  | 215  | 170  | 2233   |



## PROGRESS OF CRIME.

|                                                          | Massachusetts. | Connecticut. | Auburn, N. Y. - | Sing Sing, N. Y. | New Jersey, - | Philadelphia. | Pittsburg, Pa. - | Baltimore, Md. - | Washington, D. C. | Kentucky. | Ohio. |
|----------------------------------------------------------|----------------|--------------|-----------------|------------------|---------------|---------------|------------------|------------------|-------------------|-----------|-------|
| Average number for a course of years,                    | 282            | 198          | 641             | 814              | 154           | 409           | 113              | 372              | 68                | 129       | 441   |
| Number at the close of 1837,                             | 291            | 191          | 705             | 753              | 141           | 387           | 104              | 387              | 76                | 114       | 392   |
| Number at the close of 1838,                             | 302            | 183          | 616             | 842              | 163           | 417           | 107              | 353              | 84                | 141       | 443   |
| Number at the close of 1839,                             | 318            | 169          | 670             | 805              | 160           | 434           | 134              | 328              | 62                | 157       | 489   |
| Average number committed annually for a course of years, | 99             | 61           | 187             | 237              | ..            | ..            | 118              | ..               | ..                | ..        | ..    |
| Number committed in 1837                                 | 99             | 57           | 257             | 261              | 63            | 161           | ..               | 128              | 30                | 51        | 145   |
| Number committed in 1838                                 | 114            | 50           | 218             | 231              | 78            | 178           | 56               | 91               | 33                | 72        | 155   |
| Number committed in 1839                                 | 104            | 54           | 244             | 209              | 77            | 179           | 84               | 87               | 23                | 86        | 172   |

1841

RALEIGH

THOMAS L. LEXAY, PRINTER TO THE LEGISLATURE.

1844

LEGISLATURE OF NORTH CAROLINA.

DECEMBER 13, 1844.

REPORT

OF THE

BOARD OF INTERNAL IMPROVEMENTS

TO THE

GENERAL ASSEMBLY

1844.

RALEIGH:

THOS. J. LEMAY, PRINTER TO THE LEGISLATURE.

1844.



*To the Honorable*

*The General Assembly of North Carolina.*

GENTLEMEN :

I have the honor herewith to transmit the report of the Board of Internal Improvements for 1844. And I likewise send a communication from Dr. Frederick J. Hill, a member of this Board, which will be found in file marked F. This communication was made at my request.

The last Legislature directed the Literary Board to invest \$50,000 in the Bonds of the Wilmington and Raleigh Rail Road Company, endorsed by the State, provided the said Company would consent to a full and fair examination in their affairs, by such agent as that Legislature should appoint.

This consent was given on the part of the Corporation, and the money invested, but the Legislature failed to appoint the agent contemplated, to make the examination and investigation.

Believing that it was the intention of the Legislature to get what information they could relative to the affairs of this Road, I directed and requested Dr. Hill, who is a member of the Board of Internal Improvements, and the representative of the Board in the last meeting of the Stockholders, to obtain and lay before me all the information he could obtain in relation to the affairs of the company ; and his response to that request is the communication referred to ; and the proceedings of that corporation, to which Dr. Hill refers, will be found in file E accompanying the report of the President of the Road.

I have the honor to be,

Very respectfully,

Your obedient serv't.

J. M. MOREHEAD.

Executive Office,  
Dec. 11th, 1844.

## REPORT.

*To the Honorable*

*The General Assembly of North Carolina.*

The President and Directors of the Board of Internal Improvements beg leave to submit the following report :

The Board has no work under its charge in the progress of completion ; nor do the members of the Board deem it necessary to recommend any work, to which your attention has not been already invited by the Executive Message.

It will be seen by reference to the 6th section of the 61st chap. Rev. Statutes, that this Board is entitled to appoint two-fifths of all the Directors, and to give, by themselves or their agent, in all general meetings of the Stockholders, two-fifths of all the votes cast, in the several corporations referred to in that section.

The State having taken \$600,000 in the stock of the Wilmington and Raleigh Rail Road, one of the corporations referred to in that section, this Board has always appointed two-fifths of the Directors, and, in their general meetings, the Board has claimed and exercised the right of giving two-fifths of the votes for the other Directors ; whereby the Board has, in effect, the power of appointing the whole Directory.

The other Stockholders believe, that it was not the intention of the Legislature that the Board should have any voice in the appointment of three-fifths of the Directors, although the language of the section would seem to justify the construction; and the Board does not deem it proper to yield any power with which the Legislature has invested it, without its authority.

The Board, therefore, respectfully asks that a Legislative interpretation of the law be given—whether this Board shall have the authority of casting two-fifths of the votes for such Directors as are elected by the Stockholders.

The Board will direct your attention to the 4th section of the same chapter, by which the Public Treasurer is required to keep the accounts of the Board, and for that purpose he “may employ a clerk “at a sum not greater than three dollars per day, for the time he may “be engaged as such : provided that his compensation shall not exceed “the sum of five hundred dollars in any one year.”

At the time this law was passed, the surplus revenue was transferred to this Board, and many duties were assigned to it, which rendered it probable that the accounts of this Board might be extensive



and perhaps complicated; and it is probable, for a few years after the passage of the act, there might be some need for such a clerk, occasionally; and therefore the law said the Treasurer *may* employ such a clerk, and his pay shall not exceed a sum greater than three dollars per day.

The Board, therefore, are of opinion that the matter is left solely discretionary with the Treasurer, whether he will employ such clerk, and for how long a time, and at what price; and the only matter to which this Board can look, is to see that his pay does not exceed five hundred dollars.

By reference to the Comptroller's Report, it will be seen that three hundred dollars of this fund has been paid to T. L. West, as clerk, for keeping these accounts in the Treasury Office for the last fiscal year. He must, therefore, have been employed at least one hundred days, which is about one third of the business days in the year. By reference to the accounts of this Board, it will appear that they are very limited, and might have been easily kept by the clerk of the Public Treasurer.

The accounts of this Board are now so few and limited, that that clerkship may be well dispensed with; or, if continued, the pay should be reduced. If this Board had been entrusted with the power of passing upon the accounts, the sums charged would not have been paid.

For the condition of the Funds for Internal Improvements, the Board begs leave to refer to the Comptroller's Reports for 1843 and 1844; from which it will appear that at the termination of the last fiscal year, the amount due this Board from the Public Treasury was \$51,166 01. The Board could very readily have loaned the money, by which the Literary Fund would have been increased, as the interest goes to that fund; but the condition of the Public Treasury needed the use of the fund, and it was therefore permitted to remain in the Treasury.

The amount of notes due this Board for loans, is \$16,289 63; all of which is principal, except \$499 41 of interest included in one note, which, when collected, goes to the Literary Fund.

The amount collected upon the Cherokee Bonds will appear from the Comptroller's Report; and as the management and collection of those bonds have been placed under the control and direction of the Treasurer, and an agent appointed for the purpose of superintending their collection, this Board begs leave to refer to these persons for information relative to these bonds.

The Board believes that a portion of these bonds will never be collected, from the best information they possess. It is said that many persons who are able to pay for their own lands in the Cherokee country, decline to do so, because they are security for others who are unable to pay, and if the security pays for his land and takes title thereto, it is immediately liable to be sold for the debt of his principal, while the land of the principal cannot be sold for that same debt, which is the purchase money, because the State retains the title: so that the debtor who pays is in a worse condition than he who refuses to pay; and in these times of pecuniary difficulty, this is considered a very sufficient excuse by many for withholding payment. Indeed, it is scarcely to be expected that any man will endeavor to pay his own debt and procure from the State a title to his land, when, the moment he gets title, it is subject to be sold for the purchase money of his neighbor's land, for whom he is security, while that neighbor's land is exempt from execution, although nearly all the purchase money may have been paid, because the State retains the title.

In this state of things, it is believed that many of the debts will be lost, and many excellent citizens driven from our borders to seek a home in some distant land, unless your wisdom shall adopt some measure that will induce them to pay as far as they can, or are able; and then permit them to remain among us, without having an incubus of heavy debt weighing down their energies, and suppressing their enterprise.

This Board would regret to see the citizens of the Cherokee country changed for any other population. In patriotism, physical energy, and moral worth, they deem them fully equal to those of any portion of our State, and that is making them equal to any in the world.

Various plans of aid and relief might be suggested. If the title to the land is retained in the State, might not that be deemed security enough for the purchase money, and all the securities be discharged from their securityships, upon condition they should pay up all their own purchase money, leaving the debt to be made out of the principal and the land? Or, if the personal security be retained, then to allow the purchaser's interest in the land to be sold for the purchase money, although he may not have a legal title to it, before the lands or property of the security should be levied upon, the purchaser at the sheriff's sale getting thereby a good legal title? And in cases where there is no hope of getting the debt out of the land, the prin-



cial or the securities, let the contract be rescinded ; so that the land may be again brought into market.

These reflections are merely suggested by the Board, under a full belief that your wisdom will adopt that course by which the largest amount of the debt will be ultimately secured, and the smallest number of our citizens be driven from our State.

This Board begs leave to call the attention of the Legislature to an act passed in 1826, ch. 24th, entitled "An Act to aid the Clubfoot and Harlow's Creek Canal Company in the completion of their "Canal," and also to the deed of mortgage or trust taken in pursuance of said act—a copy of which is hereto attached, marked A.

Also to an act passed in 1828, chap. 27, entitled "An Act in aid of the Clubfoot and Harlow's Creek Canal Company," and to the mortgage or trust taken in pursuance of that act, to a copy of which hereto attached marked B, they beg leave to refer ; and also to another mortgage exactly similar to the copy marked B, except as to date, the latter bearing date 11th July, 1829.

From reference to these acts and mortgages, it will be seen that the time has expired within which the loans were to be paid, and which has not been done.

The company, it is believed, has long since ceased to exercise their corporate rights, and there is no chance for payment but by foreclosure of the mortgages, which this Board recommends.

The Board believes that it is the interest of the State to become the owner of that canal, and therefore recommend the Legislature to adopt such course as will secure it to the State.

Exhibit marked C contains the reports of the Buncombe Turnpike Company.

Exhibit marked D contains the report of the Roanoke Navigation Company.

Exhibit and file marked E contains the report of the Wilmington and Raleigh Rail Road Company.

As the term of service of the present Board will shortly expire, the members desire the strictest scrutiny into the affairs of the Board, and into the manner in which they have discharged their duties.

All of which is respectfully submitted.

JOHN M. MOREHEAD,

President Ex officio of Board of Internal Improvements.

This Indenture, made and executed this twenty-fifth of April, in the year of our Lord one thousand eight hundred and twenty-seven, between the President and Directors of the Clubfoot and Harlow Creek Canal Company, of the one part, and John Haywood, Esquire, Public Treasurer of the State of North Carolina, of the other part, witnesseth, That whereas, the said Treasurer, in obedience to the act of the General Assembly, passed at the last session, entitled "An Act to aid the Clubfoot and Harlow Creek Canal Company, in the completion of their Canal," and in behalf of the State of North Carolina, hath paid and advanced to the Clubfoot and Harlow Creek Canal Company the sum of twelve thousand dollars, the said President and Directors, in consideration of the said sum, the receipt whereof they do hereby acknowledge, have bargained, sold and conveyed, and do hereby bargain, sell and convey, unto the said John Haywood, Esquire, Treasurer as aforesaid, in trust for the State of North Carolina, the said Canal and all other property belonging to the Company aforesaid; to have and to hold unto the said John Haywood, Esquire, Treasurer as aforesaid, and his successors in office, in trust for the said State for ever: *Provided always*, and upon this special confidence and agreement, that if the said President and Directors shall pay or cause to be paid unto the Public Treasurer of the said State one half the said sum of twelve thousand dollars, on or before the expiration of ten years from this date, and the other half on or before the expiration of fifteen years from this date, with interest, the interest on which to be paid annually, so far as the dividends of the said Company will enable them to do it, according to the true intent and meaning of the said act, then and in such case this conveyance shall utterly cease, determine and become void; and in failure thereof, to remain in full force, virtue and effect.

In Witness whereof, James Manney, President as aforesaid, and the under written Directors, have hereunto subscribed their [L. S.] names, and the said President and Directors have also caused to be hereunto affixed the corporate seal of their Company, on the day, month and year first above written.

JAMES MANNEY, President.

WILLIAM R. BELL, Director,

WM. H. BORDEN, Directors.

Seal and delivered }  
in presence of } Thos. J. Jones.



This Indenture, made and executed this fifth day of February, in the year of our Lord one thousand eight hundred and twenty-nine, between the President and Directors of the Clubfoot and Harlow's Creek Canal Company, of the one part, and William Robards, Public Treasurer of the State of North Carolina, and his successors in office, of the other part, witnesseth, That whereas, the said Treasurer, in obedience to the act of the General Assembly passed at the last session, entitled "An Act in aid of the Clubfoot and Harlow's Creek Canal Company," and in behalf of the State of North Carolina, hath paid and advanced to the Clubfoot and Harlow's Creek Canal Company the sum of three thousand dollars, being the one-half of the sum appropriated by the said act, as directed by resolution of the General Assembly of last session, the President and Directors of said Company, in consideration of the said sum, the receipt whereof they do hereby acknowledge, have bargained, sold and conveyed, and do hereby bargain, sell and convey unto the said William Robards, Public Treasurer as aforesaid, in trust for the State of North Carolina, the said Canal and all other property belonging to the Company aforesaid, to have, and to hold unto the said William Robards, Treasurer as aforesaid, and his successors in office, in trust for the said State forever: *Provided always*, and upon the special confidence and agreement, that if the said President and Directors shall pay or cause to be paid to the Public Treasurer of the said State, one half the said sum of three thousand dollars on or before the expiration of ten years from this date, and the other half on or before the expiration of fifteen years from this date with interest, the interest of which to be paid annually, so far as the demands of the Company will enable them to do it, according to the true intent and meaning of the said act, then and in such case this conveyance shall utterly cease, determine and become void; and in failure thereof, to remain in full force, virtue and effect,

In witness whereof, James Manney, President of said Company, and the under written Directors have hereunto subscribed [L.S.] their names, and the said President and Directors have also caused to be affixed hereunto the corporate seal of their Company on the day, month and year first above written.

JAMES MANNEY.

WILLIAM R. BELL, [Seal.]

JAS. E. GIBBLE,

ELIJAH CANADY, Sen'r.

Signed, sealed and delivered }  
in presence of }

Henry Harvey,  
William Pope.

## REPORT OF THE BUNCOMBE TURNPIKE COMPANY.

ASHEVILLE, N. C., Oct. 24th, 1843.

To his Excellency, John M. Morehead,

President ex officio of the Board of Internal Improvements.

Sir:

Below I send you a copy of the report of the Treasurer of the Buncombe Turnpike Company, which contains an account of all the fiscal concerns of the Company, except a dividend of eleven per centum for the last year, declared by the stockholders, at their annual meeting on the 1st Monday in this month.

I am, &amp;c.,

M. PATTON, *Prest.*

In obedience to the provision of the act of incorporation, I make the following report of the fiscal concerns of the Buncombe Turnpike Company from the 1st Monday in October, 1842, to the 1st Monday in October, 1843.

|                                                     |                          |
|-----------------------------------------------------|--------------------------|
| The whole amount of tolls collected at the gates is | \$5,286 11 $\frac{1}{2}$ |
| Of Samuel Newland on judgment,                      | 24 04                    |
| Of David Vance for purchase of land,                | 58 22                    |
| Reported in the Treasury at Oct. 1842,              | 1,087 22 $\frac{1}{4}$   |

|                                |                        |
|--------------------------------|------------------------|
| Making the aggregate amount of | 6,455 59 $\frac{1}{4}$ |
|--------------------------------|------------------------|

Which has been disbursed as follows:

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| In payment of a dividend of three per cent. declared at Oct. 1842, | 900 00 |
|--------------------------------------------------------------------|--------|

|                                           |          |
|-------------------------------------------|----------|
| A dividend of 8 per cent., January, 1843, | 2,400 00 |
|-------------------------------------------|----------|

|                                                                                                                                                                                          |          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| In payment of drafts issued by the Board for the Directory, Treasurer and Clerk for 1842, for the Overseer, hire of hands and other incidental expenses for the current year, the sum of | 1,953 15 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|

|                                           |          |
|-------------------------------------------|----------|
| Making the whole amount of appropriations | 5,253 15 |
|-------------------------------------------|----------|

|                                                                                   |                        |
|-----------------------------------------------------------------------------------|------------------------|
| Which deducted from the above amount, leaves subject to the disposal of the Board | 1,202 44 $\frac{1}{4}$ |
|-----------------------------------------------------------------------------------|------------------------|

The expenses of the Directory, Treasurer and Clerk, for the current year, are not included in the above report. Oct. 2nd, 1843.

JOSHUA ROBERTS, *Treas.*



## REPORT OF THE BUNCOMBE TURNPIKE COMPANY.

ASHEVILLE, N. C., Nov. 12th, 1844.

Sir:

I herewith send you a copy of the Report of the Treasurer of the Buncombe Turnpike Company, which gives you all the information in possession of the Company with regard to the fiscal concerns of the Buncombe Turnpike Company. A dividend of 7 per cent. only has been paid the last year. The sum of \$2135 74 cts. reported by the Treasurer on hand on the 1st Oct. 1844, has been expended in paying the Treasurer, Clerk and Directory for the last year, and the judgment and costs of S. & B. W. Newland against the company, amounting to the sum of \$1827 67 cts.

I am, &amp;c.,

M. PATTON, *Prest.*

JOHN M. MOREHEAD, }  
Ex officio Prest. B. I. I. }

The fiscal concerns of the Buncombe Turnpike Company from the 1st of October, 1843, to the 1st of October, 1844, are as follows, to wit :

|                                         |                       |
|-----------------------------------------|-----------------------|
| Whole amount received from the gates is | 5615 51 $\frac{1}{2}$ |
| Balance of judgment on Samuel Newland,  | 10 96                 |
| Amount on hand 1st of October, 1843,    | 1202 44 $\frac{3}{4}$ |

|                                                  |                       |
|--------------------------------------------------|-----------------------|
| Making an aggregate of                           | 6828 92 $\frac{1}{4}$ |
| Which has been disbursed as follows:             |                       |
| To Clerk, Treasurer and Directors for 1843,      | 296 00                |
| To Overseer, hire of hands, repairs &c. on road, | 1397 18 $\frac{1}{4}$ |
| Paying dividend of 3 per cent. Oct. 1843,        | 900 30                |
| Paying dividend of 7 per cent. January, 1844,    | 2100 00               |

|                                                                                                 |                       |
|-------------------------------------------------------------------------------------------------|-----------------------|
|                                                                                                 | 4693 18 $\frac{1}{4}$ |
| Which deducted from the above, leaves at the disposal of the Board on the 1st of October, 1844, | 2135 74               |

The pay of the Clerk, Treasurer and Directory for the current year, is not included in the above report.

All which is respectfully reported.

J. ROBERTS, *Treasurer.*

REPORT OF THE ROANOKE TURNPIKE COMPANY.

ASSEMBLED N. C. Nov. 1844

D

REPORT

OF THE

ROANOKE NAVIGATION COMPANY.

WELDON, NOV. 14th, 1844.

To the Board of Internal Improvements of North Carolina.

GENTLEMEN :

I have the honor herewith to transmit to you the last Annual Report of the President & Directors to the Stockholders of the Roanoke Navigation Company, with accompanying documents.

Very Respectfully,  
Your Obedient Servant, &c.,

A. JOYNER.



# REPORT OF THE PRESIDENT AND DIRECTORS TO THE STOCKHOLDERS OF THE ROANOKE NAVIGATION COMPANY.

OCTOBER 22, 1844.

The President and Directors of the Roanoke Navigation Company beg leave to present the following report to the Stockholders in general meeting assembled:

During last winter and spring the hands of the Company were employed in making the necessary repairs on the Canal between Weldon and Rock-landing, and in making floors to the several Stone Locks on the Canal, and the President and Directors are happy to inform the Stockholders that the entire Canal and Locks are now in a state of complete repair. Although it was designed by the Company that the hands should have gone up the river to repair the dams, and to clear out obstructions, in June, a breach having occurred in the Canal between Weldon and Rock-landing, they were necessarily delayed in repairing this breach until the month of July, after which they went up Dan River and were engaged in making the necessary repairs on Dan, Bannister and Roanoke Rivers until the end of the season.

The President and Directors are also happy to inform the Stockholders that the expenses of the Company have been diminished in a great degree, and unless some unforeseen accident shall occur, it is confidently believed that the expenses will continue at their present low rate, or indeed be further diminished. They also are happy to say that the tolls of the past year have increased, and but for the long drought, and consequent low water in the River, for about three months in the present year, the increased tolls would have been much greater, and probably the receipts from tolls would have been greater than for any former year.

The revenue of the Company derived from tolls and water rents, received by the Treasurer, for the current year, has been \$8,793 78; and the expenditure has been \$1,917 44—for the same time.

For further information on this subject, the President and Directors refer the Company to the report of the Treasurer herewith submitted: and it is respectfully recommended that a dividend of 1½ per centum be declared on the capital stock of the Company.

SAM'L PANNILL, *President.*

Weldon, October 22nd, 1844.

D CONTINUED.

No. 2.

# REPORT OF THE TREASURER TO THE PRESIDENT AND DIRECTORS OF THE ROANOKE NAVIGATION COMPANY.

October 22, 1844.

The balance remaining in the hands of the Treasurer at the date of the last settlement—viz. on the 31st day of October, 1843, amounted to the sum of

8030 95

Since which period the following sums have been collected:

Received of James C. Bruce for instalment due on L. G. Wade's stock,

\$16 00

" " T. B. Littlejohn for instalments due on Greef Green's stock,

100 00

" " for interest due on the same,

35 98

" " T. B. Littlejohn for instalments due on Rich'd H. Walker's stock,

156 00

" " for interest on the same,

86 80

394 78

" " Sam'l Pannill for claim against Rev'd J. T. Clark,

6 37

6 37

" " Thomas T. Wiatt for water rent,

80 00

" " Joyner & Long, ditto

225

305 00

" interest on \$3000 of 6 per cent. stock, issued by the State of Virginia and due in January, 1844,

90 00

Deduct commission paid for collecting,

45

89 55

" interest on \$3000 of 6 per cent. stock, issued by the State of Virginia and due July, 1844,

\$90 00

Deduct Commission paid for collecting,

45

89 55

179 10

" for tolls collected at Gaston from 30th Sep. 1843, to 1st October, 1844,

6913 31

Deduct commissions paid for collecting tolls,

280 33

\$6632 98



D [No. 2] Continued.

|                                                                                                                                                                                                                   |                |                  |                  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|------------------|------------------|
| <p>" for tolls collected at Weldon from 30th Sep. 1843, to 1st October, 1844,</p>                                                                                                                                 | <p>1953 46</p> | <p>\$1855 80</p> | <p>\$8488 78</p> |
| <p>Deduct commissions, paid for collecting tolls,</p>                                                                                                                                                             | <p>97 66</p>   |                  |                  |
| <p>And that since the period aforesaid the following payments and disbursements have been made :<br/>Payments made to Stockholders on account of dividends,<br/>Disbursements for repairs and other expenses,</p> | <p>6232 50</p> | <p>1917 44</p>   | <p>17404 98</p>  |
| <p>Balance in hands of Treasurer,</p>                                                                                                                                                                             |                |                  | <p>8149 94</p>   |
| <p>That portion of the foregoing receipts, which constitute the dividend fund is composed of the following items:<br/>Nett tolls collected at Gaston &amp; Weldon,<br/>Water Rents,</p>                           |                |                  | <p>9255 04</p>   |
| <p>Deduct Disbursements for repairs and other expenses,<br/>Excess of amount of dividend declared last year over the receipts of dividend fund,</p>                                                               | <p>1917 44</p> | <p>286 72</p>    | <p>8488 78</p>   |
| <p>Amount of dividend fund, 1st October, 1844,</p>                                                                                                                                                                |                |                  | <p>305 00</p>    |
| <p>A dividend of <math>1\frac{1}{2}</math> per cent on \$399,000, the present capital stock of the company, will amount to</p>                                                                                    |                |                  | <p>8793 78</p>   |
| <p>Leaving a surplus of</p>                                                                                                                                                                                       |                |                  | <p>2204 16</p>   |
| <p>The amount borrowed of the dividend fund belonging to individual stockholders, amounted as per report of last year, to</p>                                                                                     |                |                  | <p>6589 62</p>   |
|                                                                                                                                                                                                                   |                |                  | <p>5985 00</p>   |
|                                                                                                                                                                                                                   |                |                  | <p>604 62</p>    |
|                                                                                                                                                                                                                   |                |                  | <p>\$1727 07</p> |

D [No. 2] Continued.

Towards the redemption of which debt the following sums have been paid the present year:

Amount collected from stockholders as per foregoing report,  
Interest received from the State of Virginia, on \$3000 of stock,

\$394 78

179 10

573 88

Balance now due,

\$1153 19

October 22, 1844.

A. JOYNER.

The amount borrowed of the dividend fund belonging to individual stockholders, amounted as per report of last year, to

Leaving a surplus of

A dividend of 1 1/2 per cent on \$300,000, the present capital stock of the company, will amount to

Amount of dividend fund, 1st October, 1844,

Excess of amount of dividend declared last year over the receipts of dividend fund,

Deduct Disbursements for repairs and other expenses

That portion of the foregoing receipts which constitute the dividend fund is composed of the following items:

Net tolls collected at Gaston & Weldon

Water Rents

Disbursements for repairs and other expenses

Balance in hands of Treasurer

Disbursements for repairs and other expenses

Net tolls collected at Gaston & Weldon

Water Rents

Disbursements for repairs and other expenses

Balance in hands of Treasurer



D. Continued. [No. 3.]

STATE OF THE ROANOKE NAVIGATION COMPANY ON  
THE 1st DAY OF OCTOBER, 1844.

|                                                                    |              |              |
|--------------------------------------------------------------------|--------------|--------------|
| Capital stock 4120 shares of \$100 each                            |              |              |
| “ subscribed by individuals,                                       | \$282,000 00 |              |
| “ “ State of Virg.                                                 | 80,000 00    |              |
| “ “ State of N. C.                                                 | 50,000 00    |              |
|                                                                    |              | \$412,000 00 |
| Due from individuals on account of sub-<br>scriptions,             | 12,121 71    |              |
| Sales of Negroes,                                                  |              | 9,628 55     |
| Premiums on Bills of Exchange,                                     |              | 345 68       |
| Discount on No. Carolina Bank Notes,                               |              | 14 24        |
| Profit made on Bank Stock,                                         |              | 4,719 50     |
| Interest collected from Stockholders,                              |              | 8,401 20     |
| Overpaid by Stockholders, whose stock<br>has been sold,            |              | 51 80        |
| Debts due the Company other than for<br>subscriptions,             | 65 62        |              |
| Debts due from the Company for money<br>borrowed,                  |              | 1,153 19     |
| Debts due from the Company on other<br>accounts,                   |              | 833 72       |
| Stock issued by the State of Virginia at<br>6 per cent.,           | 3,000 00     |              |
| 18 Negroes, and other property owned by<br>the Company,            | 6,500 00     |              |
| Receipts for tolls and other profits from<br>commencement of work, |              | 88,384 74    |
| Expended in the work,                                              | 430,179 27   |              |
| Dividends declared,                                                | 81,795       |              |
| Dividends remaining unpaid,                                        |              | 6,812 25     |
|                                                                    | \$533,661 60 | 532,344 87   |
| Balance of money on hand pr. last annu-<br>al report,              |              | 8,030 95     |
| Tolls collected during the year,                                   |              | 8,866 77     |
| Water Rents,                                                       |              | 305          |
| Interest on Stocks,                                                |              | 179 10       |
| Collected from Stockholders,                                       |              | 272          |
| Interest from do.                                                  |              | 122 78       |
| Collected from Rev'd J. T. Clark,                                  |              | 6 37         |
|                                                                    |              | 17,782 97    |
| Deduct disbursements during the year.                              |              |              |
| For improvements and repairs,                                      | 1367 44      |              |
| Treasurer and Sectretary,                                          | 550 00       |              |
| Expenses collecting Tolls,                                         | 377 99       |              |
| Dividends paid,                                                    | 6232 50      |              |
| Balance of money on hand,                                          | 9255 04      | \$17,782 97  |

Weldon, October 1, 1844.

A. JOYNER.

# WILMINGTON AND R. RAIL ROAD.

To His Excellency, J. M. Morehead, President of the Board of Internal Improvement:

SIR,

I have the honor of handing you, several copies of the proceedings of the Stockholders of the Wilmington and Raleigh Rail Road Company, at their annual meeting, held on the 14th November last, showing the situation of the Company, and we are sorry to add, their inability to pay their bonds, endorsed by the State, for fifty thousand dollars, falling due on the 1st January next. This regret is increased by the recollection that the Public Treasurer had to pay a similar amount on the 1st January last, to preserve the credit of the State. The Company is under the impression that if these bonds could be renewed and credit extended for 5 and 6 years, they would be enabled to pay them; and hope, on an examination, of their situation, they will be thought worthy of the assistance of the Legislature, by authorizing the endorsement of new bonds by the State, to the amount of \$100,000, to pay the bonds of 1844 and 1845; and it would be desirable to provide for the payment of the bonds of 1846, either in the same way, or by an investment of the fund of the Literary Board as was done in 1843.

I have the honor to be,

Very respectfully,

Your ob't serv't,

EDWARD B. DUDLEY,

Pres't W. & R. R. Co.

|             |            |                                  |
|-------------|------------|----------------------------------|
| 17,782 97   | 1367 44    | Balance of money on hand         |
| \$17,782 97 | 550 00     | For improvements and repairs     |
|             | 377 99     | Treasurer and Secretary          |
|             | 6332 50    | Expenses collecting Tolls        |
|             | 9355 04    | Dividends paid                   |
|             |            | Balance of money on hand         |
|             |            | Collected from Rev'd J. T. Clark |
|             |            | Interest from do.                |
|             |            | Collected from Stockholders      |
|             |            | Interest on Stocks               |
|             |            | Water Rents                      |
|             |            | Tolls collected during the year  |
|             |            | al report                        |
|             |            | Balance of money on hand         |
| 523,344 87  | 523,344 60 |                                  |
| 6,212 25    | 81,795     |                                  |
| 88,384 74   | 430,179 37 |                                  |
|             |            | Receipts for tolls               |



F.

*To His Excellency, John M. Morehead, President of the Board of Internal Improvement, North Carolina.*

SIR,

In compliance with your request, I attended (as the Representative of the interest of the State,) the annual meeting of the Stockholders of the Wilmington and Raleigh Rail Road Company, and beg leave to refer you to a copy of their proceedings transmitted to the Board by the President, which, together with an estimate of the value of the Property of the Company now enclosed, furnishes a full expose of the present condition and future prospects of the enterprize.

I have the honor to remain,

Very respectfully,

Your ob't ser't,

FREDERICK J. HILL.

December 2nd, 1844.

ESTIMATE OF THE PROPERTY OF THE WILMINGTON AND RALEIGH  
RAIL ROAD COMPANY.

Estimated value of the property of the Wilmington and Raleigh Rail Road Company—costing originally two million dollars, viz:—

162 miles rail road, extending from Wilmington to Weldon, including Ware Houses and Work Shops, (estimated by Major Gwyn,)—

\$1,200,000

4 Steam Boats, averaging each \$60,000,

240,000

13 Locomotives, and other Personal property, }  
as by report of Stockholders, herewith submitted, }

103,112 38

Wharf in Charleston, and other property called

Real Estate,

22,132 46

---

\$1,565,244 84





## LEGISLATURE OF NORTH CAROLINA

IN HOUSE OF COMMONS, DECEMBER 10, 1842.

## MEMORIAL

OF THE

WILMINGTON AND RALEIGH RAIL ROAD

COMPANY.

To the Honorable  
The General Assembly  
of North Carolina

GENTLEMEN,

The undersigned having been appointed a committee on the part of the stockholders of the Wilmington and Raleigh Rail Road Company, at their last annual meeting, to bring before your Honorable Body the situation of the Company, particularly as regards their inability to pay the bonds of fifty thousand dollars, endorsed by the State, which will fall due on the 1st January next, and respectfully to crave

your assistance:—

They beg leave to represent that in 1840, the State endorsed the bonds of the Company for three hundred thousand dollars, payable in 1842, 43, 44, 45, 46 and 47, in equal instalments of fifty thousand dollars, to enable the Company to pay the balance of the debts incurred in the construction of the Road, and putting it into operation.

The committee who solicited the aid of the Legislature in 1840, fearing the Company would not otherwise be able to comply with their engagements, applied for a larger amount, payable at longer periods, than was granted.

By postponing the payment of the balance of the debts due after applying the three hundred thousand dollars granted by the State, to their liquidation, they were enabled to pay the bonds of 1842. The

LEGISLATURE OF NORTH CAROLINA.

IN HOUSE OF COMMONS, DEC. 10, 1844.

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MEMORIAL

OF THE

WILMINGTON AND RALEIGH RAIL ROAD

COMPANY.

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*To the Honorable,  
The General Assembly  
of North Carolina.*

GENTLEMEN,

The undersigned having been appointed a committee on the part of the Stockholders of the Wilmington and Raleigh Rail Road Company, at their last annual meeting, to bring before your Honorable Body the situation of the Company, particularly as regards their inability to pay the bonds of fifty thousand dollars, endorsed by the State, which will fall due on the 1st January next, and respectfully to crave your assistance :—

They beg leave to represent that in 1840, the State endorsed the bonds of the Company for three hundred thousand dollars, payable in 1842, '43, '44, '45, '46 and '47, in equal instalments of fifty thousand dollars, to enable the Company to pay the balance of the debts incurred in the construction of the Road, and putting it into operation.

The committee who solicited the aid of the Legislature in 1840, fearing the Company would not otherwise be able to comply with their engagements, applied for a larger amount, payable at longer periods, than was granted.

By postponing the payment of the balance of the debts due after applying the three hundred thousand dollars granted by the State, to their liquidation, they were enabled to pay the bonds of 1842. The



creditors of the Company, whose debts were thus postponed, impelled by their necessities, now pressed for payment by a system of coercion so exceedingly harrassing, that the Company had no other alternative than to give them a preference. With their funds thus exhausted, and the calamitous fire which occurred in Wilmington, in April, 1843, destroying their Warehouse, Shops and other property, to the amount of one hundred thousand dollars, requiring an immediate and large expenditure for indispensable repairs, which were not anticipated, they were deprived of the means of paying the bonds of 1843 and 1844, and they regret that owing to the same causes entirely beyond their control, they are in the same situation as regard the bonds 1845.

The bonds of '43 were invested in the funds of the Literary Board, by direction of your honorable predecessors. Those of '44, which fell due during your recess were, paid by the Public Treasurer.

The Committee are directed to ask the favor of your Honorable Body to authorize the endorsement of new bonds, of similar amounts, on a credit of 5, 6 and 7 years, to enable the Company to pay the bonds of '44, '45 and '46 :—The Company would of course prefer an investment by the Literary Board, of its funds in these bonds, as considerable expense and trouble would be saved thereby in the issue and negotiation of the new bonds.

The amount of the debts due for construction, for which the scrip of the Company was issued, has been reduced to 17,500 dollars. An instalment of 15,000 dollars, bearing 7 pr. ct. interest, on account of the purchase of the steamer Gladiator, will fall due in August next. These debts and expenditures, necessary to complete the indispensable repairs of the depot, it is highly desirable should be paid in the course of the next year, which, with the payment of interest on the debts of the Co., would absorb the net proceeds of the next year, taking the receipts of the past year as the data.

To secure the State for her liabilities on account of the Company, a mortgage was given on all its property, which cost upwards of two millions of dollars, securing the State from the possibility of loss, whilst it deprives the Co. of credit and ability to negotiate loans on its own account.

The interest on all the debts of the Company has been paid up to this time.

The undersigned were further instructed to bring to your notice what the Company consider has an injurious effect on the individual stockholders, without at all benefitting the State. The Board of Int. Improvements appoint four Directors, and claim the privilege of

voting for the other six, which generally results in the election of the whole number by the State proxy. They cannot believe the State ever intended that such should be the case; yet while such is the practice, the individual stockholders are discouraged from attending the meetings. We, therefore, pray your honorable body to amend the act, so as to confine the election of the six Directors to the individual stockholders exclusively. As in duty bound your memorialists will ever pray.

ED. B. DUDLEY.

FREDK. J. HILL.

JAMES S. BATTLE.

Raleigh, Dec. 10, 1844.

Int. Improvements appoint four Directors, and claim the privilege of al stockholders, without at all benefitting the State. The Board of what the Company consider has an injurious effect on the individual The undersigned were further instructed to bring to your notice to this time.

The interest on all the debts of the Company has been paid up its own account.

whilst it deprives the Co. of credit and ability to negotiate loans on two millions of dollars, securing the State from the possibility of loss, a mortgage was given on all its property, which cost upwards of To secure the State for her liabilities on account of the Company, next year, taking the receipts of the past year as the data.

interest on the debts of the Co., would absorb the net proceeds of the be paid in the course of the next year, which, with the payment of the indispensable repairs of the depot, it is highly desirable should August next. These debts and expenditures necessary to complete account of the purchase of the steamer Chattahoochee will fall due in 1845. An installment of 15,000 dollars, bearing 7 per cent. interest, on scrip of the Company was issued, has been advanced to \$1,500,000. The amount of the debts due for interest on the bonds which the

liquidation of the new bonds. able expense and trouble would be saved thereby in the same and ne- ment by the Lumber Board, of its funds in these funds is consid- of \$1,45 and 46:—The Company was that same year of interest- dy to authorize the endorsement of new bonds of \$1,000,000 on The Committee are desirous to keep the funds of the Lumber Bo- All due during your recess will fall due in the fall of 1845. By direction of your honorable predecessor, the bonds of \$1,000,000, which The bonds of 1845 were invested in the funds of the Lumber Board, control, they are in the same situation as in the same situation as in



## LEGISLATURE OF NORTH CAROLINA

IN SENATE, DECEMBER 11, 1894.

## REPORT

OF THE

## COMMITTEE ON THE CERTIFICATE

OF THE

## SENATOR FROM ONSLOW.

The Committee to which was referred the certificate presented by the Senator from Onslow, on Monday, the 18th of November, as well as the certificate by him subsequently presented, respectfully report:

That Wm. Fannett, Esq., the Senator from Onslow, at the meeting of the Senate on the third Monday of November last, produced to the Clerk of the Senate, a certificate purporting to be from John A. Averett, Sheriff of Onslow, and stating the election of the said Wm. Fannett as the member of the Senate from the said County; that upon this certificate, recognized as the credentials of his election, the said Wm. Fannett was admitted to his seat, was qualified, and acted as a member of the Senate; that it now appears beyond doubt, as well by the admissions of the said Wm. Fannett in the written statement read by him to the Senate, on asking for a committee of investigation, as by the evidence taken by the committee of investigation and now reported to the House, that the said certificate was a forgery.

Your committee conceive it to be a clear and well established rule, that where an instrument has been forged by some one, a strong presumption necessarily arises against the party in whose favor the forgery is made, or who has the possession of it, and seeks

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LEGISLATURE OF NORTH CAROLINA.

IN SENATE, DECEMBER 17, 1844.

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R E P O R T

OF THE

COMMITTEE ON THE CERTIFICATE

OF THE

SENATOR FROM ONSLOW.

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The Committee to which was referred the certificate presented by the Senator from Onslow, on Monday, the 18th of November, as well as the certificate by him subsequently presented, respectfully report :

That Wm. Ennett, Esq., the Senator from Onslow, at the meeting of the Senate on the third Monday of November last, produced to the Clerk of the Senate, a certificate purporting to be from John A. Averett, Sheriff of Onslow, and stating the election of the said Wm. Ennett as the member of the Senate from the said County ; that upon this certificate, recognized as the credentials of his election, the said Wm. Ennett was admitted to his seat, was qualified, and acted as a member of the Senate; that it now appears beyond doubt, as well by the admissions of the said Wm. Ennett in the written statement read by him to the Senate, on asking for a committee of investigation, as by the evidence taken by the committee of investigation and now reported to the House, that the said certificate was a forgery.

Your committee conceive it to be a clear and well established rule, that where an instrument has been forged by some one, a strong presumption necessarily arises against the party in whose favor the forgery is made, or who has the possession of it, and seeks



to derive benefit from it. This rule of evidence adopted by the courts of law, upon trials involving the personal character of a citizen and exposing him to severe corporal punishment, is applicable to every case wherein a similar question arises; because it is dictated by the necessity of the case, required for the public security; and, with a very sufficient degree of certainty, points to the real offender. It must be manifest, upon the least consideration, that if a man produces, and uses for his own benefit, a forged instrument, and gives no satisfactory account either of the manner in which he became possessed of the instrument or of the perpetrator of the offence, he ought to be held himself to have forged or aided in the forgery. To require direct proof of his guilt, would, from the very nature of the fact to be proved, be to proclaim entire impunity to such offenders; and hence, it has been established as a wise rule of presumption, that he is to be taken as the offender who produces and uses the forged paper, and offers no explanation of that fact consistent with his innocence.

The committee, therefore, aware of the existence and entirely approving the justice of this rule of evidence, felt that it was the duty of the Senator from Onslow to offer some proof to remove from himself the presumption of guilt arising from the facts above stated; and that they might justly consider that exculpation as altogether a matter for him to seek for and establish, the more especially as the committee was raised and the investigation made at his own instance. But yet, under the resolution referred to them, anxious to ascertain for themselves and the Senate the truth of the case, and indulging the hope that, upon enquiry, the suspicion resting upon a member of their body might be repelled, and guilt attached to some one who was not the representative of a respectable county in the Senate, applied themselves with diligence to the task of searching for that evidence of exculpation, which, in strictness, it was the duty of Mr. Ennett himself to produce. The Committee regret to say that, after examining every witness from whom they thought it possible information might be obtained, and one witness produced by Mr. Ennett, no such exculpation has been found.

Your Committee then considered the account given by Mr. Ennett of the manner in which he obtained possession of the forged certificate. In the written statement, read by him and already referred to, he says, in substance, that he came here at the commencement of the session without a certificate, because of the absence of the Sheriff; that he was advised that no certificate was necessary, because his election was notorious, and because many members had taken their



seats under such circumstances; that the fact of his having no certificate was made known to several gentlemen of both political parties; that on the Sunday before the meeting of the Senate, after dark, a letter was handed him at his lodgings—the bearer said he was in a hurry and did not come in; that he (Mr. Ennett) did not know him; and that, on opening the letter, he found within it the forged certificate.

Were this statement in itself probable, did it present a case of likely occurrence, reasonably excluding the impression of unfairness on the part of Mr. Ennett, the committee would have felt disposed, from respect for the Senate and for the people of the county whom Mr. E. represents, to yield their confidence to it, though resting on the unproved allegation of the person making it. But this, in the judgment of the committee, is not at all the character of the statement. It is, in the first place, by no means likely that any one would have conveyed such a paper to a member of the Senate, in such a manner, at such an hour, and by such a messenger, unless it had been previously arranged with that member, or expected by him that it should be so received. In the next place, if Mr. Ennett had received this paper under such suspicious circumstances, and had been himself entirely innocent of any participation in the guilty transaction, what would have been his conduct? Would he not, as a fair man, before using the certificate as genuine, have instituted some enquiry concerning it? Would he not have endeavored to trace the person who brought it, and ascertain the person who sent it? Would he not have endeavored to satisfy himself whether this paper, having so suspicious an appearance, was in reality, a genuine certificate of election? Would he not have enquired of his colleague in the House as to the hand-writing, or of some of the Gentlemen of the Bar in that House, who, from their residence and intercourse with the Courts of Onslow, might be likely to know the hand-writing of the Sheriff? In fine, would he, without any enquiry or explanation respecting a document transmitted in a manner so dark and suspicious, have appeared in the Senate—have produced the same without explanation—offered it to the Clerk of the House as a genuine certificate—and quietly taken his seat under its authority? The Committee cannot answer any of these questions in a manner calculated to exonerate Mr. Ennett or to reconcile his actual conduct with fairness of purpose or innocence of offence. He must have suspected the papers; he must have felt that enquiry was due to truth, to himself and to the Senate; and had he been altogether ignorant of the source



from which the paper came, had he been what he represents himself to have been, he would certainly have made the enquiry, or, at least, when presenting the paper to the Senate, would openly have stated the manner in which he became possessed of it.

But even if any explanation could be given of his conduct in these respects, one other circumstance does, in the judgment of the committee, discredit his whole statement. Mr. Jackson was Mr. Ennett's room-mate. Early in the evening of Sunday, Mr. E. had communicated to that gentleman that he was without a certificate. Mr. Jackson left him to go to church—returned about 9 o'clock—found Mr. E. sitting by the fire—had some conversation with him before retiring to bed, in which Mr. E. never said one word of the sudden and unexpected arrival of the wanting certificate. (See Mr. Jackson's evidence accompanying this report.) Now, if Mr. Ennett's statement were true—if he had so strangely received his certificate—if he was ignorant of the hand that prepared, and the messenger that brought it—if he was not aware that such a paper was so opportunely to make its appearance—if, in that, it was to him, as he would by his statement seem to imply, an event totally unlooked for—it is, in the highest degree, improbable, it is morally impossible, that he should not mention this fact to his room-mate, on his return from church, to whom he had before made known that he was without this paper, which, in such convenient time and in such an unusual manner, had made its appearance!

Your Committee, therefore, so far from finding a reasonable and probable account of this matter given by the Senator from Onslow, an account consistent with his innocence and tending to rebut the presumption against him, are compelled to look upon his account of the transaction in the highest degree improbable, and as yielding force to the otherwise strong presumption of guilt.

The majority of the Committee have, upon a full and impartial consideration of the whole case, become satisfied that Mr. Ennett was probably concerned in fabricating or causing the certificate to be fabricated; and if this probability should not be fact, yet that he certainly was aware that the certificate was not genuine, or at any rate was liable to strong suspicion, and that, by presenting it to the Senate without remark or explanation, he assumed to guarantee its genuineness, its freedom from suspicion; and that in so doing, he intended to practice and did practice a fraud upon the Senate. And, upon the whole, the majority of the Committee are satisfied that Mr. Ennett's conduct has been so highly disingenuous, unworthy and discreditable, that the

Senate owe to themselves, to the country, and to a just example, to pronounce against him sentence of expulsion from this body.

The Committee therefore recommend the adoption of the resolutions accompanying this report.

All of which is respectfully submitted.

M. FRANCIS, Ch'n.

*Resolved*, That the certificate of the Senator from Onslow, and  
2 by him introduced to the Senate as genuine, the first day of the  
3 session, is a forgery.

*Resolved further*, That inasmuch as no evidence has been offer-  
2 ed before the Committee to implicate any other person in the trans-  
3 action, that the Senator himself has either been guilty of the forgery,  
4 or procured it to be done, or was at least aware that it was not gen-  
5 uine; and, therefore, practised a fraud upon the Senate and ought  
6 to be expelled.

*Resolved*, That for the reasons aforesaid, the Senator from On-  
2 slow be, and is hereby expelled from the Senate, and his seat  
3 therein vacated.



## MR. ENNETT'S STATEMENT.

*In Senate, November 29, 1844.*

**MR. SPEAKER:**

I feel it my duty to bring to the attention of the Senate a circumstance not only affecting my rights as a member of this honorable body, but as an individual. The fact is well known that when I left home, from the absence of our Sheriff, I did not procure his certificate of my election; indeed, I was advised that no certificate was absolutely necessary, since the fact of my election was notorious; and in many cases, in both houses, members under such circumstances had taken and held their seats the whole session. That I had nothing to conceal in the matter is evident to this honorable body. The fact was communicated to several gentlemen of both political parties. On the Sunday previous to the meeting of the Legislature, after dark, a letter was handed to me at my lodgings. The person said he was in a hurry and did not come in, nor did I know him. On opening the letter I found it only contained my certificate, signed John A. Averett. This was presented by me to the Senate. Since that time I have received a letter from the Sheriff, enclosing my certificate. From this fact, and on comparison with the former one, I have reason to believe that I have been imposed upon; and by presenting the certificate to the Senate, I sincerely thought that I was acting upon an authentic document. From remarks of a press in this city and elsewhere, the circumstance has been alluded to much to my prejudice; and I now rise, sir, with the letter of the Sheriff and my certificate sent by him, which I present to the Senate, and I request that it may be referred to a select committee to investigate the facts. If any there has been done, I am incapable of conniving at it; and as I have acted in good faith in this matter, I hope that the Senate will adopt this resolution.

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Mr. Edward W. Sanders, on his examination, states that he thinks he saw Mr. Ennett the first time on Monday morning, the day of the commencement of the session of the Legislature. Mr. Ennett asked Mr. Sanders if he brought him his certificate from the Sheriff of Onslow. Mr. Sanders replied that he had not brought his certificate. Mr. Ennett then stated that he had no certificate. Mr. Sanders replied, that made no difference. Nothing more passed between them.

General Marsteller told Mr. Sanders on Monday that he, as a member, must give Mr. Ennett a certificate. Mr. Sanders bowed, and thereupon some one in the company remarked that Mr. Ennett had his certificate. I think the person making the remark was Mr. J. Nixon, of New Hanover.

Mr. Sanders states, that upon examining the certificate first presented by the Senator of Onslow, that he does not know who wrote the body of the certificate, nor does he know in whose hand writing the signature is. Mr. Sanders states that he knows of no person whose handwriting resembles the body of the certificate. Nor has he any knowledge or idea who wrote the certificate—states that he knows nothing at all about it.

**EDWARD W. SANDERS.**

### **MR. BUSBEE EXAMINED BY MR. HELLEN.**

Has witness any knowledge of handwriting of the certificate, or does he know whose handwriting it resembles?

Answer. He does not know; nor has he any knowledge of the handwriting.

Quest. Does he know by what means Mr. Ennett received the forged certificate?

Answer. He is totally ignorant by what means he received the certificate.

**PERRIN BUSBEE.**

### **MR. JACKSON EXAMINED.**

Do you know the handwriting of the certificate? and state all you know on the subject.

Answer. I know nothing of the subject; nor do I know the handwriting. Do not know of his having Mr. Sanders' certificate on Sunday or Monday previous to the meeting of the Legislature. I heard on Monday, for the first time, that he had the certificate, about 10 o'clock in the morning. On Sunday evening returned from church about nine o'clock. I room with Mr. Ennett, who was sitting by the fire when I returned; heard him say nothing about it that evening, nor until 10 o'clock next day; he did not then state how or when he got it. I had a conversation with Mr. Ennett next



morning before 10 o'clock, but not on that subject. When Mr. Ennett told me he had no certificate, I told him as his colleague knew of his election, I presumed there would be no difficulty in his taking his seat. I never heard him say any thing of the certificate after I returned on Sunday evening from church. I left Mr. Ennett's room about 6 o'clock on Sunday evening, and returned about nine, as I believe.

JESSE JACKSON.

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### MR. PASTEUR EXAMINED.

Do you know any thing about the certificate said to be forged, or on the subject matter now before the committee?

Answer. I do not know. I have had no conversation with Mr. Ennett on the matter; nor [did] I know any thing of the matter in any way whatever, until I heard from Mr. Ennett about the amount of the statement made to the Senate, after the whole matter was stirred up. I believe the certificate, though an imitation, not to be genuine.

TH. J. PASTEUR.

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### MR. D. K. McRAE.

Has witness any knowledge of certificate, or does he know whose handwriting it resembles?

Witness answers he knows nothing of the certificate; nor does he know any person whose handwriting it resembles, although he has seen many write a similar hand.

When did witness first learn that Mr. Ennett had no certificate?

Answer. Witness did not hear of the matter, as he recollects, until after the election of Speaker. Witness further states he has not heard who furnished the certificate.

D. K. McRAE.

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### MR. NIXON EXAMINED.

When did witness first learn that Mr. Ennett had got a certificate? Witness states he heard it first on Monday in the forenoon of the day,

as he believes, the session commenced, from Mr. Ennett, who stated he had got his certificate since he arrived here. The members were then on their way to the House.

Does witness know any thing of the certificate first presented by Mr. Ennett, or of the handwriting of said certificate?

Answer. Witness says he does not know who is the writer of said certificate, nor does he believe the signature to be that of the sheriff of Onslow, though he thinks the body somewhat resembles the writing of Mr. Averett; and the signature, though it only slightly resembles Mr. Averett's handwriting, still witness thought it was such as Mr. Averett might have written on his knee for want of the proper convenience for writing.

Did witness hear any person say whose handwriting the certificate was?

Witness answers he did not; and if he had, he should have felt it his duty, as a member of the General Assembly, to have informed the committee immediately on hearing it, knowing that said committee were in session for the investigation of the matter. Witness objected to the above question as believing it cast an imputation upon him, as he considered it his duty to communicate such information immediately, if he had heard any such thing.

JIRE NIXON.

### MR. HOLDEN EXAMINED.

Please examine the certificates, particularly the first presented by Mr. Ennett, and state if you know the handwriting?

Witness answers he does not know the handwriting, has seen many person's handwriting which resembled that of the certificate, but cannot say particularly whose that is; heard at his office as he thinks on Monday of the commencement of the session, that Mr. Ennett received his certificate, but has not heard of any person who either wrote the body, or signed the certificate said to be forged.

Ques. Do you know any thing material that would aid the committee in the investigation now before them?

Witness answers he does not.

W. W. HOLDEN.



## MR. ETHERIDGE EXAMINED.

Please state if you know any thing of the handwriting of the forged certificate.

Answer. I do not know the handwriting either of the body or signature of said certificate. I do not believe it is in imitation of Mr. Ennett's handwriting, nor do I know whose it is ; but believe the signature, or part thereof, is an imitation of Mr. Averett's handwriting. Do not know any thing of materiality to aid the committee—have been acquainted with Mr. Ennett a long time, and never heard his character impeached.

JASPER ETHERIDGE.

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MR. CALLOWAY—Knows nothing about the matter.







No. 36.

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LEGISLATURE OF NORTH CAROLINA,

DECEMBER 14, 1844.

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REPORT

OF THE

TREASURER OF THE UNIVERSITY

OF

NORTH CAROLINA,

1844.

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RALEIGH:

THOS. J. LEMAY, PRINTER TO THE LEGISLATURE.

---

1844.



# REPORT

RALEIGH, 20th November, 1844.

To the honorable

General Assembly of the State of North Carolina.

GENTLEMEN:

In pursuance of the act of the General Assembly on that subject, I have the honor to transmit herewith a copy of the Annual Report of the Treasurer of the Board of Trustees of the University of North Carolina.

The accounts of the Treasurer have been submitted to a committee of the Board of Trustees, who report "that they find all the items in said account accurately stated, and fully sustained, by the vouchers submitted for their inspection."

There are at present four vacancies in the Board of Trustees, occurring by the death of Hon. William Gaston, Col. James W. Clark, Col. Michael Hoke, and by the removal from the State of Hon. John Branch.

These vacancies are required to be filled by the joint vote of both Houses of your honorable body.

Very respectfully,

Your obedient servant,

J. M. MOREHEAD.

EXECUTIVE OFFICE,

Decr 14, 1844.

Which said items compose the above named agree-  
gate of

## REPORT.

RALEIGH, 20th November, 1844.

To the President and Board of

Trustees of the University of North Carolina:

*Gentlemen:*

I have the honor to inform you that the receipts at the Treasury of the University within the past fiscal year, embracing a period from the 20th Nov. 1843, to the 20th November, 1844, amount to

|                          |            |
|--------------------------|------------|
| Which sum being added to | \$9,068 10 |
|--------------------------|------------|

|                                                                                                  |             |
|--------------------------------------------------------------------------------------------------|-------------|
| (The balance remaining in the Treasury at the close of the preceding year) forms an aggregate of | \$13,172 92 |
|--------------------------------------------------------------------------------------------------|-------------|

|                                                                          |            |
|--------------------------------------------------------------------------|------------|
| That the disbursements at the Treasury within the same period, amount to | \$5,823 80 |
|--------------------------------------------------------------------------|------------|

|                                                                                                                |            |
|----------------------------------------------------------------------------------------------------------------|------------|
| Leaving a balance in the Treasury at the close of the current fiscal year, viz: on the 20th November, 1844, of | \$7,349 12 |
|----------------------------------------------------------------------------------------------------------------|------------|

Which balance is deposited in the Bank of the State of N. C. at Raleigh.

The receipts at the Treasury as aforesaid consist of the following items :

|                                                                                                                                                               |            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| 1. Old balance as above,                                                                                                                                      | \$4,104 82 |
| 2. Dividends by Bank of the State on 1,000 shares of stock,                                                                                                   | 6,250 00   |
| 3. Interest on notes of individuals taken for loans made by order of Executive Committee,                                                                     | 1,365 00   |
| 4. Amount of a judgment in Wake Superior Court in favor of Trustees vs. Gardner & Dawson, of Wilmington, commissions &c. deducted,                            | 564 19     |
| 5. Cash received of Hardy L. Holmes, an atto. of the Board, for money collected by him from the Executors of Hugh McCann, of Duplin,                          | 169 79     |
| 6. Cash received of David Reid, atto. &c., being proceeds of sale of Negro Jim in Bladen county,                                                              | 63 00      |
| 7. Cash received of James W. Bryan, atto., proceeds of estate of Edward Pasteur,                                                                              | 124 43     |
| 8. Cash received of E. B. Freeman, clerk of the Supreme Court, on an execution in favor of the Trustees vs. Ex'rs E. D. McNair, returnable to December, 1843, | 531 69     |

|                                                       |             |
|-------------------------------------------------------|-------------|
| Which said items compose the above named aggregate of | \$13,172 92 |
|-------------------------------------------------------|-------------|



The various items of receipts and disbursements are distinctly exhibited in the account current and vouchers which accompany this report, and which are submitted as part thereof:

|                                                                                                                                  |                   |
|----------------------------------------------------------------------------------------------------------------------------------|-------------------|
| From statements furnished by the Bursar at Chapel Hill, it appears that the sums received from the students for tuition and room | \$3,843 50        |
| rent the first session of this year amount to                                                                                    | 3,457 00          |
| And for the second session, to                                                                                                   |                   |
| Making an aggregate of                                                                                                           | <u>\$7,300 50</u> |

Which sum has been collected and disbursed by said Bursar in part payment of salaries to the Faculty and other ordinary expenses incident to his office according to his report and exhibits herewith presented.

From this report of the Bursar, it further appears that twelve students have, during the past year, received their tuition free of charge, according to an ordinance of the Board of Trustees.

I have the honor to be your ob't serv't,

CHAS. MANLY,

Treas'r Uni. N. C.

No. 30.

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LEGISLATURE OF NORTH CAROLINA,

DECEMBER 13, 1844.

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REPORT

OF

THE COMMITTEE ON FINANCE,

ON THE

BOOKS AND ACCOUNTS

IN THE

TREASURY DEPARTMENT.

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RALEIGH:

THOS. J. LEMAY, PRINTER TO THE LEGISLATURE.

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1844.





## REPORT.

The committee on Finance have proceeded, according to the provisions of the 7th section of the 115th chapter of the Revised Statutes, to inspect the books and accounts of the Treasurer and Comptroller, and carefully to examine the exact condition of the statement and condition of the deposits made in the Banks by the Treasurer, and to ascertain the amount of money and funds of the State in the Treasury and Banks, and respectfully submit the following report, as the result of their investigation:

The condition of the books and vouchers of the Treasurer and Comptroller is generally such as the law requires. The books all balance with accuracy, and correspond with the printed Reports of the Treasurer and Comptroller, with the exception of an amount of six hundred and fifty dollars, which is credited to the Cape Fear Navigation Company; whereas it should have been to the Roanake Navigation Company; that the amount of deposits in the Banks corresponds with the Treasurer's statement; that the amount of Treasury notes in the Office of the Treasury was sixty three dollars three and half cents, which your committee burnt by authority of a resolution of the General Assembly.

The committee, in the further progress of their labours, ascertained, what appeared to them at the time, a payment of eighty one dollars to James Page, late door keeper to the House of Commons, more than he was entitled to. The committee desiring to investigate this subject, and the General Assembly having given them power to send for persons and papers and to administer oaths, submit the following testimony, taken in pursuance of the resolution of the two branches of the Legislature, which testimony is intended as a part of this report. The committee forbear the expression of any opinion as to the person to be held liable for the deficiency, further than to say that two certificates were found on file, one signed by the Principal Clerk of the last House of Commons, for eighty-one dollars, and paid by the late Treasurer Hinton, and the other for two hundred and twenty eight dollars, and signed by the Speaker of the late House of Commons, both in favour of door keeper Page, and endorsed by him; but the committee are unanimous in the opinion, the State, as the matter now stands, has lost \$81. Deposition of James Page, marked A, Deposition of Green Hill, marked B, Deposition of Camillus Saunders, marked C, Deposition W. F. Collins, marked D.

A. DOCKERY, C. C. F.



## DEPOSITON OF JAMEES PAGE.

**Question 1.** Did you receive eighty-one dollars (\$81) on the certificate of L. H. Marsteller, Clerk to the House of Commons, and if so, of whom?

**Answer.** I received it (\$81) from Col. Stephen Birdsall, Clerk to the late Treasurer, C. L. Hinton.

**Question 2.** Was this amount of eighty-one dollars deducted from the Speaker's warrant of \$228 presented by you at the close of the last session?

**Answer.** It was.

**Question 3.** By whom was the deduction made?

**Answer.** By Col. J. H. Wheeler, Treasurer.

**Question 4.** Are you certain that the deduction was made, and that you are not mistaken in supposing so?

**Answer.** I am very certain that I am not mistaken, for when I received the Speaker's warrant, the Clerk (Marsteller) reminded me of having been paid in part (including my mileage) by virtue of the certificate received from him, and on my presenting the Speaker's warrant to Col. Wheeler, he asked me how much I had received. I told him I had received eighty-one dollars (\$81) by virtue of the Clerk (Marsteller's) certificate, and the deduction was then made by Col. Wheeler after he had made a calculation as to the amount.

He (Wheeler) then filed the warrant away with other papers.

**Question 5.** How often have you been to Raleigh since your settlement with Col. Wheeler?

**Answer.** I came to Raleigh in April or May 1843, and received the Journals and Acts of the last Legislature, which I distributed in the western part of the State. I returned again (here) in July or August following to make my returns to the Secy. of State of the receipts of the Clerks for the Acts &c. distributed as aforesaid, and received my compensation of Secy. Hill.

I came to this city the week before the sitting of this Legislature, to make the returns of the Presidential election for Randolph county, and received \$15 for the same of Col. Wheeler.

**Question 6.** Do you know that Col. Wheeler was in Raleigh at either of the times referred to above?

**Answer.** I don't know that he was, except the last.

Question 7. Have you received of Col. Wheeler any money since he paid you the \$15 above referred to?

Answer. I received \$30 of him (Wheeler) in or about ten days after the commencement of the present session, for services rendered as door keeper of the Senate.

Question 8. Had you any intimation that there was a mistake, from Col. Wheeler or any other person in your settlement at the close of the last Legislature, previous to its discovery by the present Committee of Finance?

Answer. I had not.

Question 9. When you first heard of the mistake having been discovered, did you communicate that fact to Col. Wheeler, and if so, what did he say?

Answer. I did. He (Wheeler) replied "content yourself, they have only told you of it to scare you, there will be nothing done about it."

Question. Do you know how much Col. Wheeler paid you when you handed him the Speaker's warrant at the close of the session?

Answer. I don't know the precise sum in cash that I received at that time. The reason why I can't state the precise sum received by me at that time is, that I don't recollect whether I had received any money from Col. Wheeler previous to our last settlement at the close of the session.

Question. Although you can't state the precise sum received of Col. Wheeler by virtue of the Speaker's warrant at the close of the Session, are you certain that you accounted with Col. Wheeler for the eighty-one dollars paid by Mr. Birdsall at that time, and that that amount was deducted from your pay?

Answer. I am certain that \$81 was deducted from the \$228, the amount of the Speaker's warrant?

Question. Did you have Marsteller's certificate present at your settlement with Col. Wheeler?

Answer. I did not have it.

Question. Did you receive more than one sum of money of Mr. Hinton or his clerk?

Answer. I received \$81 of Mr. Hinton or his clerk, but am not certain that I received it all at one payment.

Question. Are you in the habit of receiving money without counting it at the hands of the person from whom it is received?

Answer. I am not.



**Question.** Are you certain that you received no more than \$81 of Mr. Hinton or his clerk for your services during the last Legislature?

**Answer.** I think I did not; but can't say positively.

**JAMES. PAGE.**

**Test,**

**A. DOCKERY, Chm.**

## B

### DEPOSITION OF GREEN HILL.

**Question.** Did you hear Col. Wheeler say any thing in regard to his having paid Mr. Page too much money, and if so, at what time?

**Answer.** A short time after the adjournment of the last Legislature, Col. Wheeler told me he had paid Mr. Page too much, and asked me the name of Page's Post Office, as he (Wheeler) wished to write to Page on the subject; he also asked me if Page was a responsible man, and able to pay that much money? I replied, that I thought he was responsible, and that I had always regarded him (Page) as an honest man, and that I believed if he (Wheeler) could make him (Page) sensible of the mistake, he would return him (Wheeler) the money.

At a subsequent time, very nearly the same conversation occurred between Col. Wheeler and myself.

**Question 2.** Do you know of Mr. Page's having been in Raleigh at any time shortly after your first conversation with Col. Wheeler, and if so, when?

**Answer.** Yes. I saw him (Page) here in April or May, 1843, which was subsequent to both the conversations with Col. Wheeler referred to above.

He (Page) was here again in July or August following.

**Question 3.** Do you know that Col. Wheeler was in Raleigh on either of those occasions?

**Answer.** I do not.

**GREEN HILL.**

**Attest.**

**A. DOCKERY, Chairman.**

## DEPOSITION OF CAMILLUS SAUNDERS.

Query 1. What do you know of the payment of the warrant of \$228 to James Page, by the Treasurer, and state whether any deduction was made for former payments at that time, together with any conversation that occurred between the Treasurer and Page on that subject ?

Ans. I was clerk in the Treasury Department at the time, and recollect that the certificate of \$228, was presented, and by me entered on the books ; but I have no recollection of any reduction or any conversation on the subject, at that or any other time, between Mr. Page and the Treasurer.

2. At what time, and under what circumstances, did you first ascertain that the certificate for \$81, had passed from the Treasury into the Comptroller's Office ? and please state all you know about the matter.

Ans. I know nothing definite about the matter farther than I have stated in my answer to the first question.

3. Do you recollect hearing Col. Wheeler say any thing respecting the \$81 ?

Ans. I do not.

4. Do you recollect hearing Col. Wheeler say any thing about writing to Mr. Page in reference to the \$81, or to any mistake committed in their settlement ?

Ans. I do not.

5. Have you any recollection of hearing Col. Wheeler speak of writing to Page on any subject whatever ; and if so, at what time ?

Ans. I have an indistinct recollection of hearing Col. Wheeler speak of writing to Page ; but at what time, or on what subject, I can not say.

6. Was it during the time you were in the Treasury, as Clerk ?

Ans. It was.

7. When did you commence acting as Clerk, and how long did you act in that capacity ?

Ans. I entered the Treasury Department the day after Col. Wheeler was sworn as Treasurer, and I remained there as Clerk until the first of June, 1843.



8. Do you know what amount of money Col. Wheeler paid to Mr. Page?

Ans. I do not.

9. Did you ever see the certificate of \$81 in the Treasurer's Office?

Ans. I never did.

CAMILLUS SAUNDERS.

Test,

A. DOCKERY, Chairman.

## D

### DEPOSITION OF W. F. COLLINS.

Question. Were you present at the close of the last Legislature when the members were paid off by the Treasurer, and if so, what occurred in reference to a certificate placed in your hands by a member?

Answer. I was not present all the time, but was in and out of the Treasurer's Office occasionally. There was a large crowd and much confusion in the Treasurer's Office. I during the day, presented a certificate of Mr. Holloway for \$210, to Mr. Wheeler. He immediately, without asking any questions, counted out the money to me. I then informed him that I was entitled to but twenty dollars of the certificate, and remarked, that if he had paid out money in that way, without any enquiries, that I should not be surprised if he was considerably worsted.

Question. Were the accounts of that month (January) all closed and correctly balanced?

Answer. They were, with the exception of some \$60 or \$70, which the Treasurer (Wheeler) made good.

Question. Was James Page's receipt for \$81 passed over to you by Major Hinton, the then Treasurer, before the present Treasurer came into office?

Answer. I have no distinct recollection that it was, but presume so, as it was among the file of vouchers received from Major Hinton, Treasurer, for that month.

WM. F. COLLINS.

Test.

A. DOCKERY, Chm'n.

No. 15.

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LEGISLATURE OF NORTH CAROLINA.

DEC. 6, 1844.

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REPORT

OF THE

PRESIDENT AND DIRECTORS

OF THE

LITERARY FUND

OF

NORTH CAROLINA.

RALEIGH:

THOS. J. LEMAY, PRINTER TO THE LEGISLATURE.

1844.



# REPORT.

To the Honorable  
The General Assembly of the State  
of North Carolina.

The President & Directors of the Literary Fund of North Carolina  
beg leave to submit the following

*To the Honorable*

*The General Assembly*

*Of North Carolina.*

I have the honor herewith to transmit to you the biennial Report  
of the President and Directors of the Literary Fund of North Car-  
olina.

Very respectfully,

Your ob't serv't,

J. M. MOREHEAD.

Executive Office,

December 5th, 1844.

## REPORT.

*To the Honorable*

*The General Assembly of the State  
of North Carolina.*

The President & Directors of the Literary Fund of North Carolina  
beg leave to submit the following

### REPORT:

In conformity to an Act of the last Legislature, passed on 17th Jan'y, 1844, chapter 59, the Literary Board invested \$50,000 in the Bonds of the Wilmington & Raleigh Rail Road Company, endorsed by the State, which fell due in January, 1843.

A "Resolution relating to the Treasurer," was passed at the same Session, on 25th January, authorizing the public Treasurer to borrow, as the exigencies of the Government might require, from the Funds of the Literary or Internal Improvement Boards, or of either of the Banks of the State, a sum not exceeding fifty thousand dollars. It was ascertained immediately after the adjournment of the last Legislature, by the Governor, who is, *ex officio*, President of this Board, that the public Fund was exhausted and upwards of \$27,000 of the other Funds in the Treasury had been used to meet the current expenses of the State; that it was more than probable that a large amount would have to be paid out of the Treasury for principal and interest due upon Rail Road Bonds endorsed by the State, besides the current expenses; and that the loan of \$50,000 authorized by the foregoing resolution would be wholly inadequate to meet the demands at the Treasury: it was therefore suggested to the Board by the President, that as the acts, which authorized the State to endorse the Rail Road Bonds, directed the Treasurer to pay, in the event the Rail Road Company failed to pay, *out of any monies in the Treasury*, and as the loan of \$50,000 would not be sufficient to meet all the legitimate demands at the Treasury, and therefore there must be necessarily a deficiency—that it would be better not to make a loan to the Treasurer, which must necessarily be limited to the sum he was authorized to borrow, but to permit the Funds of the Board to remain in the Treasury, to be used under the



authority of the acts aforesaid, which directed him to pay out of any monies in the Treasury—whereby the Treasurer would be enabled to meet the demands at the Treasury, although they might greatly exceed \$50,000—the sum he was authorized to borrow.

The Board approved of these suggestions, and being desirous to aid in sustaining the public credit, permitted their funds to remain in the Treasury for its use and the public service; whereby the Board has lost a large amount of interest which could have been made if the fund had been loaned or invested; but the credit of the State has been sustained—and the public Treasurer has been relieved from the necessity of borrowing a dollar.

It is, therefore, most respectfully submitted, by the Board, to your honorable body, in behalf of the Fund entrusted to their care, whether interest should not be paid upon that portion of the Fund which has been permitted to remain in the public Treasury to sustain, and which has sustained, the public credit.

So likewise the Legislature of 1840 directed the public Treasurer to borrow money of this Board, to meet the expenses of the Government. The formality of a loan between the Treasurer and the Board was not entered into, but their funds were permitted to remain in the Treasury for the public use and were so used, whereby the Board was prevented from loaning or investing them. It is likewise submitted whether interest on these funds should not be allowed.

The monthly settlements between the Comptroller and Treasurer will show the amount of the Literary Fund used by the Treasurer for public purposes.

By another Resolution of the same session, passed on 26th Jan'y, the Board was directed to loan "the balance on hand of the Literary Fund," or to invest it.

It is needless to say, that after redeeming the Rail Road Bonds, they were directed to take up, and supplying the Treasury with the funds it needed, there was but little to loan or invest.

Twenty seven shares of Bank Stock have been purchased, and loans to the amount of \$3,150 have been made since the adjournment of the last Legislature.

The amount of the net annual income of the Literary Fund, for the fiscal year ending 1st Sept. 1843, was \$90,847 22, and for the fiscal year ending 1st Sept. 1844, \$92,027 71; which sums were ordered to be distributed among the several counties of the State

according to their Federal population, except the counties of Edgecomb and Rowan, which have not yet adopted the Common School system.

Exhibit A, hereto attached, shews the sources from which these funds were raised.

It is believed that the Common Schools have generally gone into operation throughout the State, and in some counties where an enlightened and liberal spirit prevails, they are doing much good: where a faithful magistracy do their duty by imposing the taxes required by law for that purpose, and where the superintendents and school committee-men discharge their duties with a spirit and devotion worthy of the good work in which they are engaged.

But this Board cannot but express their deep regret to learn that in some counties, the Justices fail to lay any tax whatever for Common Schools, alleging that the law does not impose it as a peremptory duty upon them to do so, but leaves it to their discretion.

If this construction be correct, it is matter of surprise, that there is to be found, at this enlightened day, any body of men actuated by a spirit so niggardly, and so totally at variance with the true interests of the community.

This departure from any thing like an enlightened policy and liberal spirit, is the more surprising, when we reflect how much more money is returned to the counties in the annual distribution of the Common School fund, than the counties pay, in public taxes into the public treasury. Surely this fact is not known, or, if known, it is unheeded.

It is a FACT, and, perhaps, an anomaly in Government, that the public Treasury of North Carolina, from the Literary Fund, returns to the citizens, to educate their children, a larger amount than is paid into that Treasury from every source of taxation. Take, for instance, the land and poll tax due and payable in 1840—the sum, as appears by the Comptroller's Report, is \$62,886 36—the amount distributed in Sept., 1843, from the Literary Fund, was \$90,847 22. So, the land and poll tax of 1844 was \$63,608 95—the amount distributed from the same fund in Sept., 1844, was \$92,027 71. And let it be remembered, that of these sums, thus distributed, not one cent arises from land or poll tax.

Here, then, we see the counties receiving from the public treasury nearly fifty per cent. more than they pay into it; and yet a niggardly magistracy thwarts the enlightened designs of a wise Legislature, by neglecting or refusing to tax themselves for their own benefit to half the amount thus gratuitously returned to them!



If popular education is a matter in which the State is interested, she is interested in the education of all; and thus does she extend her liberality to all.

If she requires her citizens to aid her in this good work in proportion to their means, by way of county taxation, is it unreasonable that all should aid in proportion to their means? Is it right, is it just, that one portion of the citizens should aid the State in so praiseworthy an undertaking, while another is permitted to go without rendering any aid?

If the law be not peremptory on the magistrates to lay a county tax for Common Schools, it is most respectfully submitted whether it should not be so.

The Board cannot but press upon the attention of the Legislature again, the absolute necessity of a State agent of Common Schools, whose duty it should be to travel over the State, and aid by his knowledge, experience and skill, in bringing the system into more perfection and usefulness—who will carry out the plans that may be determined upon by the Board, and see that others do so—who will see to the collection and application of the funds set aside for the purpose—who will aid in procuring proper teachers and in introducing proper books into the schools—and who will see that the school committee men discharge their duties, in making proper returns to the superintendents, and that the Chairmen of the latter make out their returns as required by law.

The Literary Board does not deem it proper to employ so important an agent without the sanction of your honorable body; and if the matter is left discretionary with the Board, it is believed that such services might be employed and dispensed with, whenever the public interest required it.

Exhibits B and C, which accompany this report, may give some idea of the operations of the schools in some of the counties; but such is the defective manner in which many of their reports are made to the Board, that it is very difficult to extract any thing from them that is either satisfactory to the Board or useful to the public.

These returns the Board would be pleased to lay before your committee on Education, by which, it is believed, they will see the evident propriety of having a State Agent to attend to these matters.

It will likewise be seen from these exhibits, that no return whatever is made from a number of counties.

Exhibit D shews the state of the Fund on the 1st December instant.

Exhibit E shews the cost and whole expenditure of the Swamp Improvements.

The Board has made no attempt to make sale of the swamp lands which have been drained, since the last session of the General Assembly. The disastrous storms which visited that section of the State, and by which the crops were utterly ruined, rendered it prudent to make no attempts at a sale, until the people should recover in some degree from their severe losses. The lands, in the mean time, are improving in quality by undergoing a more thorough decomposition.

The present being an excellent crop year in that region of the State, the next season may be a propitious time to bring some of these lands into market.

The Board has the pleasure to announce, that, of the various loans made by it, not a dollar has yet been lost; nor is it believed that a single debt due to it is doubtful.

As the term of service of the present Board must shortly expire, the members of the Board desire a thorough investigation into the affairs of the Board, and invite the strictest scrutiny into the manner in which they have discharged their duties.

The importance of this Board is daily increasing: it should be managed with the strictest honesty and pre-eminent ability. It is proper that the public should have the utmost confidence in its management, and it is still more important that its management should be entitled to that confidence.

It is mostly through investigations made by your honorable body, that the public are informed how its affairs are managed; and, therefore, in behalf of the public and of the members of the Board themselves, the strictest investigation is solicited.

It will be seen, by reference to Exhibit D, that the amount of notes due the Board is reduced, and it is believed that it will be much better for the Fund that these should be collected and invested. These loans give the Board much trouble, and cause considerable expense to the fund, while but little accommodation is extended to the citizens generally. Most of the debts now due, are renewals of notes given for the original loans made in 1837, or are notes substituted for the originals.

To enforce collections merely to loan to others, is deemed by the present debtors an ungracious act, notwithstanding the long indulgence they have had. The Board believes that it will be much better to invest the fund in some permanent security.



Executive Office, }  
Dec. 4th, 1844. }

All of which is respectfully submitted.

*President ex officio*

*of the Literary Board.*

Net income of the Literary Fund, from 1st September, 1842, to 1st September, 1843.

| BANK STOCK.        |                                                                     |           |             |
|--------------------|---------------------------------------------------------------------|-----------|-------------|
| 1843               | Bank of the State,                                                  |           |             |
| Jan'y.             | Dividend of 3 per cent on 5,000 shares,                             | 15,000 00 |             |
| July               | " of 3 1/4 " on 5,027 shares,                                       | 16,337 75 |             |
| BANK OF CAPE FEAR. |                                                                     |           |             |
| 1843               | Bank of the State,                                                  |           |             |
| Jan'y.             | Dividend of 3 per cent. on 5,322 shares,                            | 15,966 00 |             |
| July               | " of 3 " " on 5322 shares,                                          | 15,966 00 |             |
|                    |                                                                     |           | 63,269 75   |
| OTHER STOCKS.      |                                                                     |           |             |
| 1843               | \$50,000 Roanoke Nav. Company.                                      |           |             |
| July               | Dividend of 1 per cent.                                             | 500 00    |             |
|                    | \$37,500 Cape Fear Nav. Company.                                    |           |             |
|                    | No dividend on account of suit.                                     |           |             |
|                    | \$15,000 Clubfoot & Harlow's Creek Canal. No Dividend.              |           |             |
|                    | \$600,000 Wilmington & Raleigh R. Road Co. No dividend              |           | 500 00      |
| RAIL ROAD BONDS.   |                                                                     |           |             |
| 1843               | Raleigh & Gaston Rail Road.                                         |           |             |
| Jan'y.             | Interest on \$163,300                                               | 4,959 00  |             |
| July               | " on \$163,300                                                      | 4,959 00  |             |
| 1843               | Wilmington & Raleigh Rail Road.                                     |           |             |
| Jan'y.             | Interest on \$2,000.                                                | 60 00     |             |
| July               | " on do                                                             | 60 00     |             |
| July               | Interest on \$35,000 from 6 Feb'y. 1843,                            | 847 50    |             |
| "                  | " on 15,000 " 9 " "                                                 | 352 50    |             |
|                    | \$52,000 endorsed by State.                                         |           |             |
| Jan'y.             | Interest on \$85,000 secured by mortgage,                           | 2,550 00  |             |
| July               | " on do " " "                                                       | 2,550 00  |             |
|                    | INTEREST ON LOANS.                                                  |           | 16,338 00   |
|                    | Literary Board.                                                     |           |             |
|                    | Interest on loans from 1st September, 1842, to 1st September, 1843. | 7,366 38  |             |
|                    | Carried forward,                                                    | 7,366 38  | \$80,107 75 |



## Statement (A) Continued.

|                                                                   |          |             |
|-------------------------------------------------------------------|----------|-------------|
| Bro't forward,                                                    | 7,366 38 | 80,107 75   |
| Internal Improvement Board.                                       |          |             |
| Int. on loans made by said Board,                                 | 1,298 32 |             |
|                                                                   |          | 8,664 70    |
| VACANT LANDS.                                                     |          |             |
| Cash for Entries from 1st Sept. 1842,<br>to 1st Nov. 1842,        | 313 33   |             |
|                                                                   |          | 313 33      |
| AUCTIONEERS.                                                      |          |             |
| Cash from Auctioneers from 1st Sept.<br>1842, to 1st Nov. 1842,   | 373 33   |             |
|                                                                   |          | 373 33      |
| RETAILERS.                                                        |          |             |
| Cash for their licenses from 1st Sept.<br>1842, to 1st Nov. 1842, | 2,444 00 | 2,444 00    |
|                                                                   |          | \$91,903 11 |
| Deduct expenses,                                                  |          | 1,266 90    |
|                                                                   |          | 90,636 21   |
| Add amt. overpaid Cherokee & Hay-<br>wood,                        |          | 211 01      |
| This amount distributed,                                          |          | 90,847 22   |

A

Net income of the Literary Fund from September 1st, 1843, to September 1st, 1844.

|                    |                                                         |             |
|--------------------|---------------------------------------------------------|-------------|
| BANK STOCKS.       |                                                         |             |
| 1844               | Bank of the State.                                      |             |
| Jan.               | Dividend of 3 per cent. on 5027 shares,                 | 15,081 00   |
| July               | “ of 3¼ “ on “                                          | 16,337 75   |
| 1844               | Bank of Cape Fear,                                      |             |
| Jan.               | Dividend of 3 per cent. on 5322 shares,                 | 15,966 00   |
| May                | “ of 2 per cent. on “                                   | 10,644 00   |
|                    |                                                         | 58,028 75   |
| OTHER STOCKS.      |                                                         |             |
|                    | 50,000 Roanoke Nav. Company.                            |             |
|                    | No dividend,                                            |             |
| June               | 37,500 Cape Fear Navigation Company part of decree,     | 1,200 00    |
| “                  | 37,500 do “ dividend,                                   | 650 00      |
| July               | 37,500 “ “ “                                            | 750 00      |
|                    | 15,000 Clubfoot & Harlows' Creek Canal. No dividend,    |             |
|                    | 600,000 Wilmington & Raleigh Rail Road Co. No dividend, | 2,600 00    |
| RAIL ROAD BONDS.   |                                                         |             |
| 1844               | Raleigh & Gaston Rail Road.                             |             |
| Jany.              | Interest on \$165,300,                                  | 4,959 00    |
| July               | “ on do                                                 | 4,959 00    |
| 1844               | Wilmington & Raleigh Rail Road,                         |             |
| Jany               | Interest on \$85,000 secured by mortgage,               | 2,550 00    |
| July               | “ on do “ “                                             | 2,550 00    |
| Jany.              | “ on \$52,000 endorsed by State,                        | 1,560 00    |
| July               | “ on do “ “                                             | 1,560 00    |
|                    |                                                         | 18,138 00   |
| INTEREST ON LOANS. |                                                         |             |
|                    | Literary Board.                                         |             |
|                    | Int. on loans from Sept. 1st, 1843, to Sept. 1st, 1844, | 4,677 70    |
|                    | Carried over,                                           | 4,677 70    |
|                    |                                                         | \$78,766 75 |



## Statement (A) Continued.

|                                                                                                                         |          |             |
|-------------------------------------------------------------------------------------------------------------------------|----------|-------------|
| Bro't. forward,<br>Internal Improvement Board.                                                                          | 4,677 70 | 78,766 75   |
| Int. on loans from 1st Sepr. 1843, to<br>to 1st Sepr. 1844.                                                             | 1,020 58 |             |
|                                                                                                                         |          | 5,698 28    |
| VACANT LANDS.                                                                                                           |          |             |
| Cash received for entries for the last fis-<br>cal year, of Pub. Trea's. act. to Nov.<br>1, 1843,                       | 5,615 66 |             |
|                                                                                                                         |          | 5,615 66    |
| AUCTIONEERS.                                                                                                            |          |             |
| Cash received from Auctioneers, for last<br>fiscal year of Pub. Treas. acct. to<br>Nov. 1, 1843,                        | 445 31   |             |
|                                                                                                                         |          | 445 31      |
| RETAILERS.                                                                                                              |          |             |
| Cash received from Retailers of Spirit-<br>uous Liquors, for last fiscal year of<br>Pub. Trea's. acct. to Nov. 1, 1843, | 2,306 76 |             |
|                                                                                                                         |          | 2,306 76    |
| SUNDRIES.                                                                                                               |          |             |
| Amercement collected of R. W. Long,<br>Shff. of Rowan,                                                                  | 100 00   |             |
| Received for shingles shipped to Phila-<br>delphia.                                                                     | 545 75   | 645 75      |
|                                                                                                                         |          | \$93,478 51 |
| Deduct the expenses of the Board, from<br>Sept. 1, 1843 to September, 1, 1844,                                          |          | 1,450 80    |
| This amount distributed,                                                                                                |          | 92,027 71   |

**A Statement shewing such returns as were made to the Literary Board by the Chairmen of the Boards of Superintendents of Common Schools for the year 1843.**

| Counties.   | Number of Districts. | No. of Children over 5 and under 21 years of age. |          | Number of Children Taught. |          | No. of Distr'ts with Sch'ls | Aggr'g'te No. of Months the Schools were taught. | No. of dist'ts with-out sch'ls. | No. of dis. in which no t'rs were made. | Amount paid to teachers | Amount paid to others than teachers | Aggregate amount paid out. | Amount received from Sheriffs. | Amount in the Chairmen's hands | Amount distributed for the year 1843. |
|-------------|----------------------|---------------------------------------------------|----------|----------------------------|----------|-----------------------------|--------------------------------------------------|---------------------------------|-----------------------------------------|-------------------------|-------------------------------------|----------------------------|--------------------------------|--------------------------------|---------------------------------------|
|             |                      | Males.                                            | Females. | Males.                     | Females. |                             |                                                  |                                 |                                         |                         |                                     |                            |                                |                                |                                       |
| Anson       | 48                   | 254                                               | 227      | 92                         | 70       | 21                          | 7                                                | 24                              | 26                                      | 698 55                  | 438 20                              | 1136 75                    |                                | 1697 05                        | 1796 80                               |
| Buncombe    | 50                   |                                                   |          |                            |          | 29                          |                                                  | 21                              | 50                                      | 585 00                  |                                     | 585 00                     |                                | 485 89                         | 1332 10                               |
| Bladen      |                      |                                                   |          |                            |          |                             |                                                  |                                 |                                         |                         |                                     | 272 90                     | 352 88                         | 2266 18                        | 923 36                                |
| Burke       | 48                   | 1120                                              | 577      | 99                         | 82       | 19                          | 47                                               | 29                              | 19                                      | 522 26                  | 416 53                              | 938 79                     |                                | 1013 17                        | 1457 94                               |
| Cabarrus    | 36                   | 1335                                              | 1259     | 258                        | 188      | 25                          | 13                                               | 11                              | 2                                       | 693 43                  | 190 84                              | 881 28                     |                                | 470 45                         | 1163 39                               |
| Carteret    | 20                   | 575                                               | 513      | 327                        | 296      | 11                          | 26                                               | 9                               | 7                                       | 598 86                  |                                     | 598 86                     | 224 00                         | 314 30                         | 838 60                                |
| Currituck   |                      | 900                                               | 684      | 340                        | 177      | 20                          | 58                                               |                                 |                                         |                         |                                     | 1275 80                    | 77 00                          | 376 34                         | 812 77                                |
| Chatham     | 34                   | 3152                                              | 1036     | 808                        | 562      | 20                          | 65                                               | 14                              |                                         |                         |                                     | 1991 81                    | 535 63                         | 161 38                         | 1957 50                               |
| Cumberland  | 63                   | 2752                                              |          | 784                        |          | 39                          |                                                  | 24                              | 24                                      |                         |                                     | 2272 75                    | 500 00                         | 2360 33                        | 1820 10                               |
| Caldwell    | 31                   | 559                                               | 607      | 201                        | 194      | 26                          | 18                                               | 5                               | 18                                      |                         |                                     | 205 78                     |                                | 521 58                         | 693 38                                |
| Caswell     |                      |                                                   |          | 802                        |          |                             |                                                  |                                 |                                         |                         |                                     | 2288 54                    | 874 52                         | 2170 87                        | 1648 20                               |
| Craven      | 40                   | 1496                                              | 458      | 317                        | 160      | 34                          | 116                                              | 6                               | 8                                       | 2070 05                 | 23 75                               | 2093 80                    | 1027 63                        | 480 73                         | 1546 90                               |
| Columbus    |                      |                                                   |          |                            |          |                             |                                                  |                                 |                                         |                         |                                     |                            |                                | 940 92                         | 486 06                                |
| Davie       | 15                   | 1927                                              |          | 145                        | 97       | 13                          | 15                                               | 2                               | 1                                       |                         |                                     | 1240 20                    | 507 04                         | 118 74                         | 945 51                                |
| Franklin    | 20                   | 1100                                              | 1068     | 448                        | 340      | 20                          | 105                                              |                                 |                                         | 1602 12                 | 208 19                              | 1810 31                    |                                | 713 26                         | 1227 60                               |
| Granville   | 18                   | 1687                                              | 1378     | 813                        | 483      | 18                          | 123                                              |                                 | 2                                       | 2456 12                 | 463 74                              | 2919 86                    | 489 19                         | 1634 18                        | 2125 90                               |
| Guilford    | 54                   | 3366                                              | 3136     | 1509                       | 1132     | 41                          | 157                                              | 13                              |                                         | 2270 39                 | 621 30                              | 2891 69                    | 923 40                         | 544 11                         | 2512 40                               |
| Greene      | 14                   | 678                                               | 595      | 348                        | 272      | 13                          | 27                                               | 1                               |                                         | 721 38                  | 348 59                              | 1069 97                    | 620 38                         | 741 27                         | 749 83                                |
| Haywood     | 30                   | 993                                               | 831      |                            |          | 12                          | 18                                               | 18                              |                                         | 54 22                   |                                     | 70 60                      |                                | 257 08                         | 673 14                                |
| Halifax     | 16                   | 590                                               | 528      | 199                        | 131      | 10                          | 27                                               | 6                               | 7                                       | 1232 16                 | 257 19                              | 1489 35                    | 553 42                         | 1887 56                        | 1816 70                               |
| Henderson   | 33                   | 335                                               | 156      | 49                         | 67       | 19                          | 17                                               | 14                              | 12                                      | 285 51                  |                                     | 285 51                     | 228 01                         | 206 39                         | 685 48                                |
| Hertford    |                      | 220                                               | 152      | 210                        | 152      | 10                          |                                                  |                                 |                                         | 1314 58                 | 24 59                               | 1339 17                    | 492 04                         | 1179 05                        | 854 96                                |
| Johnston    | 45                   | 1678                                              | 1528     | 419                        | 275      | 22                          | 38                                               | 23                              |                                         | 514 83                  | 380 36                              | 895 19                     |                                | 1381 66                        | 1276 55                               |
| Iredell     | 93                   | 2330                                              | 2067     | 1204                       | 980      | 59                          | 132                                              | 34                              | 5                                       | 1510 26                 | 273 29                              | 1783 55                    | 532 68                         | 901 60                         | 1968 50                               |
| Montgomery  | 33                   | 561                                               | 534      | 260                        | 227      | 20                          | 35                                               | 13                              | 13                                      | 437                     | 237 00                              | 673 33                     | 300 00                         | 541 52                         | 704 10                                |
| Moore       |                      | 1063                                              | 1063     | 31                         | 69       | 31                          | 4                                                | 10                              | 4                                       | 700 52                  | 162 97                              | 863 50                     |                                | 593 48                         | 1026 23                               |
| Martin      | 21                   | 862                                               | 794      | 502                        | 363      | 20                          | 55                                               | 1                               |                                         | 645 91                  | 255 66                              | 901 57                     |                                | 826 59                         | 902 83                                |
| Northampton | 22                   | 1011                                              | 811      | 565                        | 355      | 21                          | 118                                              | 1                               |                                         | 1309 07                 |                                     | 1411 42                    |                                | 325 42                         | 1479 00                               |
| Orange      |                      | 5879                                              |          | 969                        | 687      | 33                          | 148                                              |                                 |                                         | 2279 13                 | 261 99                              | 2541 12                    | 1277 78                        | 6187 56                        | 2996 29                               |
| Pitt        |                      |                                                   |          |                            |          |                             |                                                  |                                 |                                         |                         |                                     | 901 68                     | 776 99                         | 1199 05                        | 1323 75                               |
| Rockingham  | 34                   | 2824                                              |          | 440                        | 313      | 29                          | 102                                              | 5                               |                                         | 1269 44                 | 208 73                              | 1478 17                    | 367 98                         | 212 61                         | 1610 06                               |
| Rutherford  | 64                   | 4411                                              |          |                            |          |                             |                                                  |                                 | 2                                       |                         |                                     | 930 58                     | 292 00                         | 1543 57                        | 1930 42                               |
| Stokes      | 72                   | 2880                                              | 2864     | 798                        | 603      | 33                          | 76                                               | 39                              |                                         |                         |                                     | 1805 73                    |                                | 1184 22                        | 2106 53                               |
| Sampson     | 40                   | 2592                                              |          | 365                        | 224      | 17                          | 44                                               | 23                              | 4                                       |                         |                                     | 1488 60                    | 444 79                         |                                | 1440 17                               |
| Surry       | 67                   | 2659                                              | 2442     | 1352                       | 1048     | 51                          | 141                                              | 16                              |                                         | 1381 56                 | 437 96                              | 1819 52                    |                                | 172 59                         | 1992 12                               |
| Wake        | 60                   | 1565                                              | 1360     | 864                        | 502      | 53                          | 105                                              | 7                               | 26                                      | 2355 08                 | 642 34                              | 2997 42                    | 900 00                         | 704 55                         | 2485 11                               |





## C.

A Statement showing such Returns as were made to the Literary Board by the Chairmen of the Boards of Superintendents of Common Schools for the year 1844.

| COUNTIES.   | No. of Districts. | No. of Children over 5 and under 21. |          | No. of Children taught. |          | No. of Districts with Schools. | No. of Districts without Schools. | No. of Duets in which no returns were made. | Amount paid to Teachers. | Amount paid to others than Teachers. | Aggregate Amount paid out. | Amount rec'd on Sheriffs. | Amount in the Chairmen's hands. | Aggregate Amount distributed by Literary Board. | Amount distributed for the year 1844. |
|-------------|-------------------|--------------------------------------|----------|-------------------------|----------|--------------------------------|-----------------------------------|---------------------------------------------|--------------------------|--------------------------------------|----------------------------|---------------------------|---------------------------------|-------------------------------------------------|---------------------------------------|
|             |                   | Males.                               | Females. | Males.                  | Females. |                                |                                   |                                             |                          |                                      |                            |                           |                                 |                                                 |                                       |
| Anson       | 40                | 546                                  | 455      | 266                     | 175      | 24                             | 14                                | 25                                          | 36                       | 1013 70                              | 530 00                     | 1543 70                   | 4973 45                         | 6900 00                                         | 1820 00                               |
| Ashe        | 1                 | 1                                    | 1        | 1                       | 1        | 1                              | 1                                 | 1                                           | 1                        | 1                                    | 1                          | 1                         | 1                               | 1                                               | 1                                     |
| Barnes      | 30                | 582                                  | 409      | 274                     | 208      | 29                             | 38                                | 31                                          | 516 71                   | 286 08                               | 5102 79                    | 3263 39                   | 1716 98                         | 4612 68                                         | 1732 50                               |
| Bladen      | 42                | 198                                  | 2        | 198                     |          |                                |                                   |                                             | 35                       | 1184 42                              | 46 77                      | 3225 61                   | 1904 91                         | 3237 06                                         | 835 40                                |
| Brunswick   | 1                 | 1                                    | 1        | 1                       | 1        | 1                              | 1                                 | 1                                           | 1                        | 1                                    | 1                          | 1                         | 1                               | 1                                               | 1                                     |
| Buncombe    | 31                | 291                                  | 257      | 223                     | 190      | 22                             | 49                                | 9                                           | 10                       | 495 64                               | 44 10                      | 539 74                    | 460 38                          | 4071 40                                         | 1349 50                               |
| Burke       | 36                | 1283                                 | 1160     | 415                     | 336      | 28                             | 22                                | 8                                           | 9                        | 994 77                               | 157 31                     | 1151 09                   | 1148 25                         | 5623 05                                         | 863 75                                |
| Calhoun     | 31                | 2284                                 | 1206     | 1206                    | 51       | 49                             |                                   | 31                                          | 662 85                   | 662 85                               |                            |                           |                                 | 4079 59                                         | 1178 50                               |
| Caldwell    | 10                | 718                                  | 633      | 427                     | 334      | 10                             | 371                               |                                             | 1430 85                  | 963 09                               | 2393 94                    | 716 31                    | 751 63                          | 1365 88                                         | 702 50                                |
| Camden      | 10                | 718                                  | 633      | 427                     | 334      | 10                             | 371                               |                                             | 1430 85                  | 963 09                               | 2393 94                    | 716 31                    | 751 63                          | 1365 88                                         | 702 50                                |
| Catawba     | 1                 | 1                                    | 1        | 1                       | 1        | 1                              | 1                                 | 1                                           | 1                        | 1                                    | 1                          | 1                         | 1                               | 1                                               | 1                                     |
| Carteret    | 1                 | 1                                    | 1        | 1                       | 1        | 1                              | 1                                 | 1                                           | 1                        | 1                                    | 1                          | 1                         | 1                               | 1                                               | 1                                     |
| Caswell     | 1                 | 1                                    | 1        | 1                       | 1        | 1                              | 1                                 | 1                                           | 1                        | 1                                    | 1                          | 1                         | 1                               | 1                                               | 1                                     |
| Chatham     | 30                | 4160                                 | 391      | 457                     | 304      | 34                             | 33                                | 2                                           | 2019 32                  | 126 45                               | 2145 77                    | 571 61                    | 2479 09                         | 5779 09                                         | 1689 50                               |
| Cherokee    | 1                 | 1                                    | 1        | 1                       | 1        | 1                              | 1                                 | 1                                           | 1                        | 1                                    | 1                          | 1                         | 1                               | 1                                               | 1                                     |
| Chowan      | 1                 | 1                                    | 1        | 1                       | 1        | 1                              | 1                                 | 1                                           | 1                        | 1                                    | 1                          | 1                         | 1                               | 1                                               | 1                                     |
| Cleveland   | 1                 | 1                                    | 1        | 1                       | 1        | 1                              | 1                                 | 1                                           | 1                        | 1                                    | 1                          | 1                         | 1                               | 1                                               | 1                                     |
| Columbus    | 29                | 1                                    | 1        | 1                       | 1        | 1                              | 1                                 | 1                                           | 1                        | 1                                    | 1                          | 1                         | 1                               | 1                                               | 1                                     |
| Craven      | 40                | 1265                                 | 663      | 375                     | 296      | 35                             | 131                               | 6                                           | 4                        | 2409 32                              | 33 87                      | 2368 19                   | 1016 30                         | 803 27                                          | 1704 46                               |
| Cumberland  | 11                | 1                                    | 1        | 1                       | 1        | 1                              | 1                                 | 1                                           | 1                        | 1                                    | 1                          | 1                         | 1                               | 1                                               | 1                                     |
| Currituck   | 4                 | 1                                    | 1        | 1                       | 1        | 1                              | 1                                 | 1                                           | 1                        | 1                                    | 1                          | 1                         | 1                               | 1                                               | 1                                     |
| Davidson    | 1                 | 1                                    | 1        | 1                       | 1        | 1                              | 1                                 | 1                                           | 1                        | 1                                    | 1                          | 1                         | 1                               | 1                                               | 1                                     |
| Davie       | 1                 | 1                                    | 1        | 1                       | 1        | 1                              | 1                                 | 1                                           | 1                        | 1                                    | 1                          | 1                         | 1                               | 1                                               | 1                                     |
| Duplin      | 30                | 438                                  | 351      | 319                     | 260      | 21                             | 48                                | 9                                           |                          |                                      |                            |                           | 1502 92                         | 4927 03                                         | 1808 00                               |
| Edgecombe   | 1                 | 1                                    | 1        | 1                       | 1        | 1                              | 1                                 | 1                                           | 1                        | 1                                    | 1                          | 1                         | 1                               | 1                                               | 1                                     |
| Franklin    | 20                | 1063                                 | 1061     | 584                     | 365      | 20                             | 130                               | 3                                           | 1784 51                  | 159 44                               | 1434 96                    | 576 66                    | 1276 26                         | 4504 90                                         | 1788 00                               |
| Gates       | 12                | 761                                  | 726      | 172                     | 117      | 9                              | 60                                |                                             | 1353 49                  | 473 75                               | 1827 24                    | 537 89                    |                                 | 8260 78                                         | 1243 70                               |
| Granville   | 18                | 1810                                 | 1663     | 955                     | 736      |                                | 267                               |                                             | 5017 52                  | 101 00                               | 3118 53                    | 493 10                    | 978 74                          | 7454 60                                         | 2153 10                               |
| Greene      | 14                | 698                                  | 571      | 284                     | 212      | 10                             | 19                                | 4                                           | 493 27                   | 241 37                               | 734 64                     | 214 87                    | 1062 93                         | 2629 43                                         | 759 60                                |
| Guilford    | 16                | 497                                  | 418      | 185                     | 157      | 16                             | 47                                | 6                                           | 1850 03                  | 75 41                                | 1925 44                    | 1019 66                   | 933 62                          | 6370 30                                         | 2545 00                               |
| Hallifax    | 29                | 498                                  | 452      | 300                     | 236      | 29                             | 41                                | 11                                          | 325 90                   | 38 01                                | 363 92                     |                           | 689 50                          | 2360 69                                         | 1840 10                               |
| Henderson   | 29                | 498                                  | 452      | 300                     | 236      | 29                             | 41                                | 3                                           | 3                        | 271 50                               | 433 90                     | 710 40                    | 198 74                          | 2403 83                                         | 694 45                                |
| Hertford    | 17                | 287                                  | 232      | 157                     | 116      | 17                             | 33                                | 9                                           | 1131 89                  | 34 52                                | 1166 42                    | 562 65                    | 1439 52                         | 2998 11                                         | 866 15                                |
| Hyde        | 1                 | 1                                    | 1        | 1                       | 1        | 1                              | 1                                 | 1                                           | 1                        | 1                                    | 1                          | 1                         | 1                               | 1                                               | 1                                     |
| Iredell     | 94                | 2316                                 | 2007     | 859                     | 655      | 65                             | 124                               | 29                                          | 5                        | 1923 30                              | 359 41                     | 2281 71                   | 489 74                          | 1644 06                                         | 6902 90                               |
| Johnston    | 46                | 1728                                 | 1556     | 718                     | 510      | 31                             | 93                                | 15                                          | 1149 71                  | 265 67                               | 1415 28                    |                           | 64 32                           | 4470 65                                         | 1293 39                               |
| Lenoir      | 1                 | 1                                    | 1        | 1                       | 1        | 1                              | 1                                 | 1                                           | 1                        | 1                                    | 1                          | 1                         | 1                               | 1                                               | 1                                     |
| Lincoln     | 1                 | 1                                    | 1        | 1                       | 1        | 1                              | 1                                 | 1                                           | 1                        | 1                                    | 1                          | 1                         | 1                               | 1                                               | 1                                     |
| Macon       | 1                 | 1                                    | 1        | 1                       | 1        | 1                              | 1                                 | 1                                           | 1                        | 1                                    | 1                          | 1                         | 1                               | 1                                               | 1                                     |
| Martin      | 24                | 842                                  | 790      | 460                     | 317      | 22                             | 45                                | 2                                           | 1672 40                  | 132 61                               | 1205 01                    | 908 06                    | 1444 24                         | 3165 93                                         | 663 40                                |
| McDowell    | 1                 | 1                                    | 1        | 1                       | 1        | 1                              | 1                                 | 1                                           | 1                        | 1                                    | 1                          | 1                         | 1                               | 1                                               | 1                                     |
| Mecklenburg | 33                | 500                                  | 451      | 262                     | 189      | 25                             | 32                                | 8                                           | 14                       | 549 77                               | 333 49                     | 883 27                    | 325 00                          | 638 90                                          | 2469 00                               |
| Montgomery  | 44                | 1128                                 | 1123     | 261                     | 201      | 34                             | 40                                | 10                                          | 1154 64                  | 873 62                               | 2028 26                    |                           | 450 31                          | 3508 83                                         | 1039 70                               |
| Moore       | 31                | 1035                                 | 954      | 681                     | 473      | 51                             | 142                               | 6                                           | 1757 90                  | 707 30                               | 2465 20                    |                           | 1370 34                         | 3678 88                                         | 1082 70                               |
| Nash        | 38                | 232                                  | 205      | 115                     | 100      | 9                              | 54                                | 8                                           | 30                       | 614 00                               | 2078 54                    | 3092 54                   | 1339 72                         | 2155 77                                         | 5918 30                               |
| New Hanover | 23                | 907                                  | 757      | 508                     | 341      | 23                             | 140                               | 1                                           | 1                        | 2751 16                              | 160 49                     | 2911 65                   | 745 00                          | 1519 20                                         | 1511 00                               |
| Northampton | 30                | 6808                                 | 2330     | 1624                    | 39       | 369                            |                                   |                                             | 4765 97                  | 707 38                               | 5473 35                    |                           | 3744 51                         | 10459 59                                        | 3630 30                               |
| Onslow      | 1                 | 1                                    | 1        | 1                       | 1        | 1                              | 1                                 | 1                                           | 1                        | 1                                    | 1                          | 1                         | 1                               | 1                                               | 1                                     |
| Orange      | 30                | 6808                                 | 2330     | 1624                    | 39       | 369                            |                                   |                                             | 4765 97                  | 707 38                               | 5473 35                    |                           | 3744 51                         | 10459 59                                        | 3630 30                               |
| Pasquotank  | 1                 | 1                                    | 1        | 1                       | 1        | 1                              | 1                                 | 1                                           | 1                        | 1                                    | 1                          | 1                         | 1                               | 1                                               | 1                                     |
| Perquimans  | 17                | 1                                    | 1        | 1                       | 1        | 1                              | 1                                 | 1                                           | 1                        | 1                                    | 1                          | 1                         | 1                               | 1                                               | 1                                     |
| Person      | 31                | 1                                    | 1        | 1                       | 1        | 1                              | 1                                 | 1                                           | 1                        | 1                                    | 1                          | 1                         | 1                               | 1                                               | 1                                     |
| Pitt        | 58                | 2216                                 | 2250     | 820                     | 591      | 65                             | 94                                | 29                                          | 2310 97                  | 167 43                               | 2478 40                    | 741 19                    |                                 | 5957 95                                         | 1929 60                               |
| Richmond    | 34                | 1724                                 | 865      | 617                     | 34       | 144                            |                                   |                                             | 1974 36                  | 208 70                               | 2183 06                    | 528 00                    | 167 58                          | 3646 26                                         | 1631 20                               |
| Robeson     | 66                | 1                                    | 1        | 1                       | 1        | 1                              | 1                                 | 1                                           | 1                        | 1                                    | 1                          | 1                         | 1                               | 1                                               | 1                                     |
| Rockingham  | 40                | 1596                                 | 443      | 273                     | 21       | 67                             | 19                                | 13                                          | 13                       | 1884 96                              | 906 87                     | 1815 47                   | 5080 57                         | 1459 00                                         | 601 50                                |
| Rutherford  | 32                | 189                                  | 100      | 136                     | 137      | 45                             | 29                                | 17                                          | 238 66                   | 2                                    | 240 66                     | 100 00                    | 885 88                          | 2280 61                                         | 601 50                                |
| Sampson     | 72                | 3153                                 | 3089     | 1086                    | 1013     | 42                             | 104                               | 30                                          | 20                       | 1428 08                              | 674 89                     | 2102 98                   | 1458 31                         | 4582 96                                         | 1323 30                               |
| Stanly      | 67                | 2777                                 | 2519     | 1416                    | 1003     | 55                             | 142                               | 12                                          | 1648 06                  | 355 56                               | 1903 62                    |                           | 104 37                          | 6995 83                                         | 2018 00                               |
| Swain       | 1                 | 1                                    | 1        | 1                       | 1        | 1                              | 1                                 | 1                                           | 1                        | 1                                    | 1                          | 1                         | 1                               | 1                                               | 1                                     |
| Tyrrell     | 1                 | 1                                    | 1        | 1                       | 1        | 1                              | 1                                 | 1                                           | 1                        | 1                                    | 1                          | 1                         | 1                               | 1                                               | 1                                     |
| Wake        | 61                | 2761                                 | 2364     | 1079                    | 703      | 48                             | 115                               | 13                                          | 19                       | 2622 73                              | 219 81                     | 2894 66                   | 416 90                          | 800 89                                          | 8714 31                               |
| Warren      | 1                 | 1                                    | 1        | 1                       | 1        | 1                              | 1                                 | 1                                           | 1                        | 1                                    | 1                          | 1                         | 1                               | 1                                               | 1                                     |
| Washington  | 37                | 1168                                 | 1108     | 431                     | 376      | 12                             | 95                                | 25                                          | 18                       | 1628 65                              | 1400 09                    | 3028 65                   |                                 | 801 59                                          | 1864 95                               |
| Wilkes      | 1                 | 1                                    | 1        | 1                       | 1        | 1                              | 1                                 | 1                                           | 1                        | 1                                    | 1                          | 1                         | 1                               | 1                                               | 1                                     |
| Yancey      | 1                 | 1                                    | 1        | 1                       | 1        | 1                              | 1                                 | 1                                           | 1                        | 1                                    | 1                          | 1                         | 1                               | 1                                               | 1                                     |

Amount distributed for the year 1844.

Amount distributed for the year 1844.

Amount distributed for the year 1844.

Amount distributed for the year 1844.

Amount distributed for the year 1844.





Statement of the Literary Fund, December 1st, 4844.

|                                                                                  |              |                |
|----------------------------------------------------------------------------------|--------------|----------------|
| Bonds due the Board—Principal,                                                   |              | 76,651 79      |
| Cash in the Treasury as per Treasurer's Report,                                  | 64,329 40    |                |
| Paid in Nov. 1844—principal,                                                     | 2,487 59     |                |
| “ in “ 1844—interest,                                                            | 920 55       |                |
| Dividend of 3 per cent. received in Nov. 1844, on 5322 shares in Bank Cape Fear, | 15,966       |                |
|                                                                                  | 83,703 54    |                |
| CR.<br>By paid T. J. Lemay, since Treasurer's Report.                            | 11 00        | 83,692 54      |
| STOCKS & R. ROAD BONDS BELONGING TO THE FUND.                                    |              |                |
| 5322 shares in the Cape F'r B'k,                                                 | 532,200 00   |                |
| 5027 shares in Bank of the State,                                                | 502,700 00   |                |
| Bonds of the Raleigh & Gaston Rail Road Company,                                 | 165,300      |                |
| Bonds of the Wilmington and Raleigh Rail R'd Company,                            | 137,000      | 1,337,200 00   |
| STOCKS, THE PROFITS OF WHICH GO TO THE FUND.                                     |              |                |
| Cape Fear Nav. Stocks,                                                           | 37,500       |                |
| Roanoke “ “                                                                      | 50,000       |                |
| Clubfoot & Harlow's Creek Canal,                                                 | 15,000       |                |
| Wilmington & Raleigh Rail Road Company,                                          | 600,000      | 702,500 00     |
| SWAMP LANDS.                                                                     |              |                |
| Expended in their Improvements,                                                  |              | 177,468 27     |
| RECAPITULATION.                                                                  |              | \$2,377,512 60 |
| Notes for loans                                                                  | 76,651 79    |                |
| Cash,                                                                            | 83,692 54    |                |
| Bank Stock & R. Road Bonds,                                                      | 1,337,200    |                |
| Stocks, the profits of which go to the Board,                                    | 702,500      |                |
| Swamp Improvements,                                                              | 177,468 27   |                |
|                                                                                  | 2,377,512 60 |                |



**Amount expended in reclaiming Swamp Lands to the 1st December, 1844.**

|                                                  |              |
|--------------------------------------------------|--------------|
| For Alligator Canal,                             | 63,799 59    |
| " Pungo "                                        | 35,316 55    |
| " Tributaries to Pungo Canal,                    | 23,576       |
| " Do. to Alligator "                             | 24,584 95    |
| Surveying and incidental expenses of every kind, | 29,688 77    |
|                                                  | <hr/>        |
|                                                  | \$176,965 86 |

Amount expended in reclaiming Swamp Lands to the 1st Decem-  
ber, 1844.

|                                                  |              |
|--------------------------------------------------|--------------|
| For Alligator Canal,                             | 63,790 50    |
| " " Pungo "                                      | 35,316 55    |
| " " Tributaries to Pungo Canal,                  | 23,578       |
| " " to Alligator "                               | 24,521 95    |
| Surveying and incidental expenses of every kind, | 29,682 77    |
|                                                  | <hr/>        |
|                                                  | \$176,965 86 |



LEGISLATURE OF NORTH CAROLINA.

IN SENATE, Dec. 30 1844.

On motion of Mr. Bodden, Report with accompanying papers ordered to be printed.

REPORT

OF THE

COMMISSIONERS ON FINANCE

ON A

RESOLUTION CONCERNING THE TREASURER

RALEIGH:

THOS. A. LEMAY, PRINTER TO THE LEGISLATURE.

1844

No. 58.

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LEGISLATURE OF NORTH CAROLINA.

IN SENATE, DEC. 30, 1844.

On motion of Mr. Dockery, Report with accompanying papers, ordered to be printed.

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REPORT

OF THE

COMMITTEE ON FINANCE

ON A

RESOLUTION CONCERNING THE TREASURER.

RALEIGH:

THOS. J. LEMAY, PRINTER TO THE LEGISLATURE.

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1844.



ENGROSSED RESOLUTION  
CONCERNING THE PUBLIC TREASURER.

*In Senate, December 26, 1844.*

Read second time, and, on motion by Mr. Francis, recommitted, with the amendment proposed by Mr. Biggs, to the Committee on Finance.

*Whereas*, there appears from the Report of the Committee on Finance that there is a deficiency of eighty-one dollars in the public Treasury: Therefore,

*Resolved*, That John H. Wheeler, Treasurer, be requested by Charles L. Hinton, the Treasurer elect, to pay into the public Treasury the said sum of eighty-one dollars; and upon refusal of the said Wheeler to pay the said eighty-one dollars, that the Attorney General of the State be, and he is hereby directed, to bring suit against the said Wheeler, on his official Bond, for the recovery of the amount aforesaid.

Mr. Biggs moved to amend, by striking out all after *whereas*, and inserting,

*Whereas*, it appears by the Report of the Committee on Finance, that eighty-one dollars have been erroneously paid to James Page, door keeper to the House of Commons, at its last session: Therefore,

*Be it resolved*, That the public Treasurer investigate the same, and take such steps as he shall see fit for the recovery of said sum.

ENGROSSED RESOLUTION  
CONCERNING THE PUBLIC TREASURER

In Senate, December 26, 1844

REPORT.

The Committee on Finance, to which was referred an engrossed resolution relative to the deficiency in the Treasury of eighty-one dollars, and an amendment offered thereto, have had the same under consideration, and respectfully report :

That under the authority previously granted by the Legislature, the committee examined, upon oath, several witnesses, whose depositions are submitted as a part of this report. After much labor in the examination and mature deliberation, the committee recommend the rejection of the amendment and the passage of the engrossed resolution.

Deposition of S. Birdsall, marked

A.

Deposition of Major Hinton, marked

B.

Deposition of W. E. Mills, marked

C.

Deposition of Joel McLean,

D.

A. DOCKERY, C. C. F.



## DEPOSITION OF STEPHEN BIRDSALL.

Question by Mr. Atkins. A book having been exhibited before the committee, containing certain entries, this question was put by Mr. Atkins, Is that the pay roll which you, as Clerk of Maj'r Hinton, kept?

Answer. I don't consider it a pay roll, but merely a memorandum. It is not a regular office book.

Question by Col. Wheeler. Is that book made out in your handwriting?

Answer. The list of the members' names and some of the figures were made by me, but not all.

Question by Mr. Atkins. Is the entry of the \$60 in your handwriting, opposite the name of Jas. Page?

Answer. It is.

Question by the same. Is there any other entry on said book in your writing opposite Page's name?

Answer. There is not.

Question by Page. Does the \$60 entered on the book opposite my name constitute a part of the \$81 paid under Marsteller's certificate for that sum?

Answer. I believe it does.

By the same. Did I receive any more than \$81 of you for my pay as door keeper during the last session?

Answer. I think not.

Question by Mr. Wilson. Have you any distinct recollection of paying Page \$60 at one time and \$21 at another, or do you rely upon the book and the receipt of Mr. Page?

Answer. I have no distinct recollection, but rely upon the certificate of Marsteller for \$81, which is entered in the journal.

By same. When you paid Page the \$60, did you take a receipt for it from him?

Answer. I did.

By the same. Was it a practice in the department to pay members and officers of the two houses in advance and take their receipts?

Answer. I don't know that it was, except in one case.

By the same. Was it the practice to pay members from time to time, as they might call for it, and take their receipts?

Answer. It was.

By same. Were you in the office when the settlement took place between Messrs. Wheeler and Hinton?

Answer. I was.

At time the settlement took place, did Maj'r Hinton pass to Col. Wheeler all the receipts for moneys advanced to members and officers, before Wheeler came into office?

Answer. He did.

By same. Was the receipt of Page for \$60 passed over to Wheeler among the other receipts?

Answer. I don't know, because the receipt is, as I understand, destroyed.

By same. Was that receipt left in the receipt book when you left the office?

Answer. I presume it was.

Question by Mr. Mebane. Have you heard Col. Wheeler say what has become of that receipt?

Answer. Col. Wheeler says he passed it over to Mr. Page: I don't know at what time.

By Mr. Mills. Have you any distinct recollection that this particular receipt for \$60 was passed over by Major Hinton to Colonel Wheeler?

Answer. No further than this, that the book containing receipts was passed over.

By same. Was the amount of \$81 paid under the Clerk's certificate entered on the regular books of the department, before Hinton went out of office?

Answer. It was.

By Col. Biggs. Were the receipts of the members and officers taken in a receipt book and numbered, and the amounts entered in the memorandum book opposite their names?

Answer. The receipts were entered in the receipt book, and generally entered in the memorandum book, but not always.

By same. Was the amount of the receipt book accounted for by Col. Wheeler to Major Hinton in their settlement?

Answer. I think it was.

By Mr. Mills. Was the \$81 paid to Page, credited to Col. Hinton?

Answer. It was.

By same. Was the receipt for \$60 also credited to Hinton?

It was included in the certificate for the \$81.

Question by Wheeler. By whom was the \$81 credited?



Answer. Hinton was credited with that sum and the General Assembly account charged with that amount.

By same. By whom and when was the voucher of \$81 allowed?

Answer. I have no distinct recollection.

By Col. Biggs. Have you any recollection of the amount of receipts that was passed by Hinton to Wheeler, and if so, what amount?

Answer. I have, from a memorandum made up at that time, and the amount was \$2974 92.

S. BIRDSALL.

A. DOCKERY, C. C. F.

## B

### DEPOSITION OF MAJOR HINTON.

Question by Mr. Mebane. In the settlement of your accounts upon leaving the Treasury Department, were you allowed any more than \$81 as paid to Page for the last session?

Answer. I have no distinct recollection about it, but, from the books, it appears not. In looking over the Comptroller's books, the \$81 appears in my December settlement. My reason for entering it in the December settlement was, that I considered it a final settlement. My reason for supposing it was a final payment was, that Page had got leave of absence. The certificate for the \$81, included, as I suppose, the per diem and the mileage of Page.

Question by Col. Wheeler. Was the certificate of the \$81 signed by the Speaker, which was necessary to make it a legal voucher?

Answer. I have no recollection about the certificate or the particular transaction; I am governed entirely by the books.

By same. In the sum of \$2,974 92, passed over by you to me, as cash payments to members and others, was the \$60 charged to Page on the memorandum book included.

Answer. I am satisfied that it was not. My reasons are, because the public money was always kept to itself, I never used the first five cents for the first five seconds while I was Treasurer. The amount of cash upon my settlement with the Committee of Finance corresponded with the balances due on the books. If Col. Wheeler had receipted me for the \$60, there would necessarily have been the difference of that sum, between the book balance and the cash.

Question by same. Did you, in your settlement with members or others, ever discern a deficit in your cash account?

**Answer.** Yes. In 1840, in settling my General Assembly account, I was deficient between \$80 and \$90, which I promptly paid up as soon as I discovered it.

**Question by Mr. Poindexter.** Was it your custom while Treasurer of the State, to pay members of Assembly or other officers in advance of what was due them at the time of payment?

**Answer.** It never happened but twice, according to the best of my recollection. In one instance, a few weeks before the Comptroller's quarter salary was due, I paid him. I felt that I had done wrong, and informed the Comptroller that I was not satisfied at what I had done, and he offered to refund the money. I told him no—he need not return it then, as the act was done, but I should not do the like again. The other case was a member of the Assembly, a Senator from Granville: he applied to me in the early part of the session for one hundred dollars in part of his pay, which I advanced, but upon a moment's reflection I regretted it, and told him and others, I should never pay any member again more than was due.

**Question by Mr. Page.** If I, as door-keeper, had applied to you for more than was due me at the time for my services, would you have advanced it?

**Answer.** I should not.

**By the same.** At what time did you quit paying out money as Treasurer.

**Answer.** I think it was on the 19th of December, 1842.

**Question by Mr. Walker.** Was it customary for you to advance money to the members during the session when they called upon you?

**Answer.** It was. I always considered them entitled to their per diem up to the time they applied for it, and paid when application was made, and took their receipts.

**Question by Mr. Biggs.** Did you, in your settlement with Col. Wheeler, pass over to him the receipt book in which you had taken the receipts of members and officers of the General Assembly, and which amounted to \$2,974 92?

**Answer.** Of course I passed it over.

**By same.** Have you any recollection of any particular receipt which was included in that amount?

**Answer.** I have not.

**Question by Mr. Haughton.** Do you know whether, in your settlements with Col. Wheeler, or any one else, you were credited with more than \$81, for payments made to Page?

**Answer.** For reasons that I have before stated, I should certainly say I was not.

C. L. HINTON.

A. DOCKERY.



## STATEMENT OF WM. E. MILLS, ESQ.

Question by Col. Wheeler. Were you paid any money as a part of your pay as a member of the last Legislature by Maj. Hinton?

Answer. I gave a receipt for a small sum paid in for vacant lands.

Question by same. Did I deliver over to you that receipt when you produced the Speaker's warrant for your pay in full at the close of the session?

Answer. The amount of that receipt was deducted from my warrant, and my impression is, the receipt was handed to me.

W. E. MILLS.

A. DOCKERY, C. C. F.

## D

## DEPOSITION OF COL. McLEAN.

Question by Col. Wheeler. Did you have any payment made to you during the last session of the Legislature before the close of the session?

Answer. I think there was, and I gave a receipt for it; but do not know whether the receipt was handed back to me or not.

Question by same. I wish you to state what occurred on the morning of the adjournment of the last Legislature, about the rush, the crowd, and your receiving your pay.

Answer. It was rather before day; there was a crowd around Col. Wheeler. I got as near Col. Wheeler as I could, and made several attempts to get to him, and at last I succeeded. I asked Col. Wheeler if he could not settle with me—he replied, "Joel, I cant, but you must be paid," and he handed over a bundle of money to me to pay myself. I counted it over, and it lacked about \$30 or \$35, and as he was counting out money for some [one] else, he turned up the ends of five dollar bills, until he got the amount that I lacked, and handed it to me. I counted it over twice. There was then a large number of persons present. Col. Wheeler never counted the money after me, as he was busy with others.

Question by Mr. Mebane. Was Page in the room at that time.

Answer. I dont recollect that he was.

JOEL McLEAN.

A. DOCKERY, C. C. F.

LEGISLATURE OF NORTH CAROLINA,  
IN SENATE, DECEMBER 7, 1844.

STATEMENT  
OF THE  
BANK OF THE STATE,

NOVEMBER 23rd, 1844.

TREASURY DEPARTMENT OF N. C. }  
8th December, 1844. }

Sir:

I have the honor to enclose the statement showing the condition of the Bank of the State of North Carolina, on 23d ultimo, communicated to me by law this day.

Very respectfully,

Your faithful servant,

JOHN H. WHEELER,  
Pub. Treas.

Hon., The Speaker of the Senate.



LEGISLATIVE OF NORTH CAROLINA

IN SENATE, FEBRUARY 1, 1911

STATEMENT

BY THE

COMMISSIONER OF THE GENERAL LAND OFFICE

NOVEMBER 20, 1910

II

THE GENERAL LAND OFFICE OF NORTH CAROLINA

HAS THE HONOR TO REPORT

TO THE SENATE OF THE STATE OF NORTH CAROLINA, ON THE 20TH DAY OF NOVEMBER, 1910, IN RESPONSE TO A RESOLUTION PASSED BY THE SENATE, FEBRUARY 1, 1911, RELATIVE TO THE LANDS BELONGING TO THE STATE OF NORTH CAROLINA.

Yours respectfully,  
JOHN H. WHITE, JR.,  
COMMISSIONER OF THE GENERAL LAND OFFICE.

Hon. THE SENATE OF THE STATE OF NORTH CAROLINA:  
I have the honor to acknowledge the receipt of your resolution of the 1st day of February, 1911, relative to the lands belonging to the State of North Carolina, and in response to the same, I have the honor to submit herewith a statement of the lands belonging to the State of North Carolina, as of the 1st day of January, 1911.

GENERAL STATEMENT SHEWING THE CONDITION OF THE BANK OF THE STATE OF NORTH CAROLINA—NOVEMBER 23, 1844.

|                                           |              |              |                |                                          |          |            |                |
|-------------------------------------------|--------------|--------------|----------------|------------------------------------------|----------|------------|----------------|
| Bills and Notes Discounted,               | 1,766,998 25 |              |                | Capital Stock,                           | 900,000  |            | 1,500,000      |
| Suspended Debt,                           | 79,257 34    |              |                | General Profit & Loss,                   |          | 180,462 85 |                |
| Raleigh & Gaston Rail Road Company Bonds, | 53,000 00    | 1,929,248 59 |                | Contingent Fund,                         |          | 145 18     | 180,608 03     |
| Bills of Exchange,                        |              | 268,180 20   | 2,207,428 79   | Pension Office,                          |          |            |                |
| Pension Office,                           |              | 416 07       |                | Pensions under Act of 1838,              |          | 451 41     |                |
| Pensions under Act of 1838,               | 16,351 03    |              |                | Do Do 1832,                              |          | 38,719 79  |                |
| Do 1836,                                  | 11,851 19    |              |                | Invalid Pensions,                        |          | 6,483 98   |                |
| Do 1843,                                  | 1,601 12     | 29,803 34    | 1,30,219 41    | Revolutionary "                          |          | 383        | 46,013 18      |
| Due from Banks,                           |              |              |                | Public Treasurer of North Carolina,      |          |            |                |
| Merchants' Bank, Boston,                  |              | 4,937 50     |                | Due to Banks,                            |          |            | 23,682 91      |
| Ditto New York,                           | 37,161 68    |              |                | O. J. Cammann, Cash, New York,           | 5,231 40 |            |                |
| Fulton Do                                 | 21,480 85    | 58,642 53    |                | Merchants' Bank, New York,               | 2,333 82 |            |                |
| M. & Farmers' Bank, Philadelphia,         |              | 4,581 20     |                | Tradesmen's do do                        | 358 48   | 7,923 70   |                |
| Merchants' Bank, Baltimore,               |              | 1,240 70     |                | Bank North America, Philadelphia,        | 617 50   | 617 50     |                |
| Farmers' Bank of Virginia, Norfolk,       | 1,253 17     |              |                | Newark Bank, Newark,                     |          | 187 42     |                |
| Bank of Virginia, Ditto                   | 669 16       |              |                | Bank of Virginia, Portsmouth,            | 362 55   |            |                |
| Exchange Bank, Ditto                      | 2,768 56     |              |                | Do Petersburg,                           | 9,360 47 | 12,036 40  |                |
| Clarkeville,                              | 79 43        | 4,770 32     |                | Farmers' Bank, do                        | 2,313 38 |            |                |
| Bank of Charleston, Charleston,           | 3,253 67     |              |                | Merchants', Cheraw,                      |          | 362 87     |                |
| Planters' & Merchants' Ditto              | 438 31       | 3,691 98     |                | Bank United States Agency, Fayetteville, |          | 162 75     | 21,290 64      |
| Bank of Cape Fear, Wilmington,            | 14,275 40    |              |                | Notes in Circulation,                    |          |            |                |
| Ditto Fayetteville,                       | 15,388 85    |              |                | Principal Bank, Raleigh,                 |          | 324,464    |                |
| Ditto Washington,                         | 6,624 88     |              |                | Branch                                   |          |            |                |
| Ditto Salisbury,                          | 182 37       | 36,471 59    |                | Newbern,                                 | 160,789  |            |                |
| Merchants' Bank, Newbern,                 |              | 22,280 00    | 136,615 82     | Do Tarboro',                             | 134,955  |            |                |
| Notes of other Banks,                     |              |              |                | Do Fayetteville,                         | 131,487  |            |                |
| Virginia Banks,                           | 13,449 00    |              |                | Do Wilmington,                           | 206,333  |            |                |
| South Carolina do                         | 17,131 00    |              |                | Do Elizabeth City,                       | 105,328  |            |                |
| North Carolina do                         | 60,821 00    | 91,401 00    |                | Do Charlotte,                            | 55,439   | 794,229    | 1,118,693      |
| Specie,                                   |              |              |                | Dividends unpaid,                        |          |            | 2,434          |
| Silver,                                   |              | 323,010 17   |                | Deposites,                               |          |            | 295,246 48     |
| Gold, Coin,                               | 248,880 13   |              |                |                                          |          |            |                |
| Do Bullion,                               | 4,432 47     | 253,312 60   |                |                                          |          |            |                |
| Cents,                                    |              | 151 70       | 576,474 47     |                                          |          |            |                |
| Vouchers Unadjusted,                      |              |              | 1,029 52       |                                          |          |            |                |
| Bills & Checks in Transit,                |              |              | 12,776 89      |                                          |          |            |                |
| Real Estate,                              |              |              | 42,023 38      |                                          |          |            |                |
|                                           |              |              | \$3,157,968 24 |                                          |          |            | \$3,167,968 24 |

Of this sum \$1,929,248 59, there is due

|                 | By Directors, | By Stockholder's not Directors |
|-----------------|---------------|--------------------------------|
| At Newbern,     | 200           |                                |
| Tarboro',       | 1,100 00      |                                |
| Fayetteville,   | 33,990        |                                |
| Wilmington,     | 3,900         |                                |
| Elizabeth City, | 21,363 17     | 17,573 72                      |
| Charlotte,      | 14,350        | 2,350                          |
| Milton,         | 3,000         | 1,150                          |
| Morganton,      | 4,700         |                                |
| Raleigh,        | 13,490 48     | 15,524 56                      |
|                 | \$95,893 65   | \$36,748 28                    |

C. DEWEY, Cash.



1811 and 1812  
1813 and 1814  
1815 and 1816

1817 and 1818

1819 and 1820  
1821 and 1822  
1823 and 1824

1825 and 1826  
1827 and 1828  
1829 and 1830

1831 and 1832  
1833 and 1834  
1835 and 1836  
1837 and 1838  
1839 and 1840

1841 and 1842  
1843 and 1844

1845 and 1846  
1847 and 1848  
1849 and 1850

1851 and 1852

1853 and 1854  
1855 and 1856  
1857 and 1858  
1859 and 1860

1861 and 1862  
1863 and 1864  
1865 and 1866

1867 and 1868

No. 25

LEGISLATURE OF NORTH CAROLINA

IN SENATE, FEB. 4, 1895.

STATEMENT

OF THE

DEPT. OF HIGHWAYS

1894

REPORT OF THE



LEGISLATURE OF NORTH CAROLINA.

IN SENATE, DEC. 9, 1844.

STATEMENT

OF THE

BANK OF NEWBERRY.

NOVEMBER 27, 1844.

**No. 24.**

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**LEGISLATURE OF NORTH CAROLINA.**

**IN SENATE, DEC. 9, 1844.**

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**STATEMENT**

**OF THE**

**BANK OF NEWBERN,**

**NOVEMBER 27, 1844.**



# STATE OF THE MERCHANTS' BANK OF NEW BERN,

|                                        |            |                     |
|----------------------------------------|------------|---------------------|
| Gold and Silver,                       |            | 58,473 96           |
| Notes & Checks Bank of the State N. C. | 2,900 68   |                     |
| do Bank of Cape Fear,                  | 1,100      | 4,000 68            |
| Real Estate,                           |            | 6,968 90            |
| Bills of Exchange,                     |            | 65,302 30           |
| Bills Receivable,                      | 304,218 87 |                     |
| Suspended Debt,                        | 5,021      | *309,239 87         |
| Bank of Cape Fear, Wilmington,         | 820 35     |                     |
| do Raleigh,                            | 612 57     |                     |
| Merchants' Bank, Baltimore,            | 1,089 43   |                     |
| Fulton Bank, New York,                 | 14,124 86  | 16,647 21           |
|                                        |            | <u>\$460,632 92</u> |

\*Of this sum \$309,239 87 there is due  
 by Directors, \$13,594 00  
 Stockholders not Directors, 15,583 50

ON WEDNESDAY, THE 27th OF NOVEMBER, 1844.

|                                    |          |              |
|------------------------------------|----------|--------------|
| Capital Stock,                     |          | 225,000      |
| Notes in Circulation,              |          | 165,627      |
| Deposites,                         |          | 34,796 35    |
| General Profit & Loss,             | 2,384 28 |              |
| Profit & Loss, 6 months, nett,     | 9,290 74 | 11,675 02    |
| Dividends unpaid,                  |          | 1,942 50     |
| Bank of Cape Fear, Washington,     | 4,592 05 |              |
| Bank of the State of N. C. Newbern |          |              |
| Branch,                            | 17,000   | 21,592 05    |
|                                    |          | \$460,632 92 |

W. W. CLARK, CASH.



LEGISLATURE OF NORTH CAROLINA  
IN HOUSE OF COMMONS, DEC. 22, 1844.

REPORT  
OF THE  
RAILROAD COMPANY

THE PRESIDENT OF THE RALEIGH & GASTON  
RAILROAD COMPANY

RELATIVE TO THE  
BONDS FOR 200,000 DOLLARS.

RALEIGH & GASTON RAILROAD OFFICE,  
December 16th, 1844.

Sir:

In compliance with a resolution adopted by the House of Commons on the 11th instant, requesting the President of the Raleigh and Gaston Rail Road Company "to inform that House in what manner the bonds of said company for \$300,000, endorsed by the State under an act of the Assembly for the years 1840-41, were disposed of by said company, and what consideration was paid to the company for them; also whether all of said bonds have been disposed of, and if not, how many remain unpaid, and the names of the holders of said bonds, and to whom the last instalment of interest was paid by the Treasurer of the State;"—I have the honor to state that \$280,500 of the said bonds have been disposed of to the creditors of the company at par, in payment of debts due by the company, incurred principally on account of construction of Road and Bridges, Depots, Ware-Houses and Water Stations, purchase of Engines, Coaches &c. The remainder of said bonds, being \$19,500

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LEGISLATURE OF NORTH CAROLINA,

IN HOUSE OF COMMONS, DEC. 20, 1844.

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REPORT

OF

THE PRESIDENT OF THE RALEIGH & GASTON  
RAIL ROAD COMPANY,

RELATIVE TO THE

**BONDS FOR 300,000 DOLLARS.**

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RALEIGH & GASTON RAIL ROAD OFFICE, }  
DECEMBER 16TH, 1844. }

SIR :

In compliance with a resolution adopted by the House of Commons on the 11th instant, requesting the President of the Raleigh and Gaston Rail Road Company "to inform that House in what manner the bonds of said company for \$300,000, endorsed by the State under an act of the Assembly for the years 1840-41, were disposed of by said company, and what consideration was paid to the company for them; also whether all of said bonds have been disposed of, and if not, how many remain unpaid, and the names of the holders of said bonds, and to whom the last instalment of interest was paid by the Treasurer of the State;"—I have the honor to state that \$286,500 of the said bonds have been disposed of to the creditors of the company at par, in payment of debts due by the company, incurred principally on account of construction of Road and Bridges, Depots, Ware-Houses and Water Stations, purchase of Engines, Coaches &c. The remainder of said bonds, being \$13,500,



have not been actually sold, but have been pledged by order of the Board of Directors for the indemnity of individuals who have incurred liabilities for the company, which liabilities remain unsatisfied. The last instalment of interest paid by the Public Treasurer was paid to the holders of said bonds, a list of whose names, as they now stand on the books of this office, and those of the Treasury Department, is herewith enclosed.

I have the honor to be,

Very respectfully,

Your obedient servant,

S. F. PATTERSON, *Pres't.*

HON. EDWARD STANLY,

Speaker House of Commons.

have not been actually sold, but have been pledged by order of the Board of Directors for the indemnity of individuals who have incurred liabilities for the company, which liabilities remain unsatisfied. The last instalment of interest paid by the Public Treasurer was paid to the holders of said bonds, a list of whose names, as they now stand on the books of this office, and those of the Treasury Department, is herewith enclosed.

I have the honor to be,

Very respectfully,

Your obedient servant,

S. F. PATTERSON, Pres't.

Hon. EDWARD STANLEY,

Speaker House of Commons.





No 25.

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LEGISLATURE OF NORTH CAROLINA.

DECEMBER 9, 1844.

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**REPORT**

OF

**THE ADJUTANT GENERAL**

OF THE

STATE OF NORTH CAROLINA.

1844.

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RALEIGH:

THOS. J. LEMAY, PRINTER TO THE LEGISLATURE.

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1844.



Abstract showing the number of Militia, and of their Arms, composing each Regiment, Brigade, and Division; and also the number and description of Arms belonging to the State in each Regiment and County.

ADJUTANT GENERAL'S OFFICE, }  
December 2nd, 1844. }

To the Honorable the

General Assembly of the State of North Carolina :

I have the honor to transmit to your honorable body, sundry documents marked A, B, C, D and E, which contain all the information in relation to the Militia, required by law to be communicated from this Office.

Respectfully,

Your ob't. serv't.,

R. W. HAYWOOD.

Adj. Gen'l. N. C. M.

## A.

Abstract showing the number of Militia, and of their Arms, composing each Regiment, Brigade, and Division; and also the number and description of Arms belonging to the State in each Regiment and County.

| No. Divisions | No. Brigades | No. Regiments | Counties.  | Infantry | Riflemen | ARMS.   |        |           | PUBLIC ARMS. |        |        | No. Companies of Infantry. | No. Companies of Riflemen. | No. Companies |
|---------------|--------------|---------------|------------|----------|----------|---------|--------|-----------|--------------|--------|--------|----------------------------|----------------------------|---------------|
|               |              |               |            |          |          | Muskets | Rifles | Shot Guns | Muskets      | Rifles | Swords |                            |                            |               |
|               |              | 1             | Currituck  | 608      |          | 155     |        | 304       |              |        |        | 9                          |                            |               |
|               |              | 2             | Camden     | 689      |          | 14      |        | 369       |              |        | 12     | 8                          |                            |               |
|               |              | 3             | Pasquotank | 844      |          | 6       |        | 566       | 102          |        | 40     | 10                         |                            |               |
|               |              | 4             | Perquimons | 476      |          |         |        |           |              |        |        | 6                          |                            |               |
|               | 1            |               |            | 2617     |          | 175     |        | 1239      | 102          |        | 52     | 33                         |                            |               |
|               |              | 9             | Bertie     | 674      |          |         |        | 502       | 102          |        | 30     | 9                          |                            |               |
|               |              | 5             | Chowan     | 596      |          |         |        | 376       | 26           |        | 20     | 4                          |                            |               |
|               |              | 6             | Gates      | 581      |          | 102     |        | 644       | 102          |        | 102    | 7                          |                            |               |
|               |              | 10            | Hertford   | 591      |          |         |        | 591       |              |        |        | 6                          |                            |               |
|               | 18           |               |            | 2242     |          | 102     |        | 2113      | 230          |        | 152    | 26                         |                            |               |
|               | 1            |               |            | 4859     |          | 277     |        | 3352      | 332          |        | 204    | 59                         |                            |               |
|               |              | 41            | Bladen     | 616      |          | 41      | 41     | 401       |              |        |        | 8                          |                            |               |
|               |              | 44            | Moore      | 795      |          | 262     |        | 177       | 262          | 32     |        | 9                          |                            |               |
|               |              | 33            | Cumberland | 749      |          | 182     | 222    | 364       | 38           | 222    | 20     | 8                          | 1                          |               |
|               |              | 34            | "          | 505      | 127      | 41      | 127    | 144       |              |        | 15     | 7                          |                            |               |
|               |              | 85            | Columbus   | 499      |          | 14      | 31     | 305       |              |        | 10     | 7                          |                            |               |
|               |              | 32            | Sampson    | 1185     |          |         | 47     | 826       | 32           |        | 37     | 11                         |                            |               |
|               | 4            |               |            | 1349     | 127      | 540     | 468    | 2217      | 60           | 484    | 114    | 50                         | 1                          |               |
|               |              | 53            | Anson      | 613      |          | 13      | 134    | 342       |              |        | 14     | 9                          |                            |               |
|               |              | 54            | "          | 414      |          | 59      | 175    | 97        |              |        |        | 6                          |                            |               |
|               |              | 42            | Robeson    | 714      |          | 61      | 66     | 293       | 36           |        | 13     | 8                          |                            |               |
|               |              | 43            | "          | 293      |          | 37      | 95     | 90        |              |        | 16     | 4                          |                            |               |
|               |              | 51            | Richmond   | 426      | 54       | 37      | 113    | 146       |              |        | 11     | 4                          | 1                          |               |
|               |              | 93            | "          | 195      |          | 72      | 84     |           |              |        | 15     | 4                          |                            |               |
|               | 14           |               |            | 2655     | 54       | 279     | 667    | 968       | 36           |        | 69     | 35                         | 1                          |               |
|               | 2            |               |            | 7004     | 181      |         | 1135   | 3285      | 96           | 484    | 183    | 85                         | 2                          |               |
|               |              | 45            | Chatham    | 522      |          | 7       | 42     | 212       |              |        |        | 7                          |                            |               |
|               |              | 94            | "          | 674      | 250      |         | 250    | 300       | 180          | 65     | 65     | 9                          | 3                          |               |
|               |              | 47            | Orange     | 1050     |          | 33      | 120    | 563       |              |        |        | 11                         |                            |               |
|               |              | 48            | "          | 610      | 64       | 15      | 87     | 302       |              | 64     | 40     | 10                         | 1                          |               |
|               |              | 49            | "          | 790      |          | 6       | 263    | 217       |              |        | 217    | 9                          | 1                          |               |
|               |              | 55            | Randolph   | 855      |          | 147     | 482    | 100       | 45           |        | 16     | 10                         |                            |               |
|               |              | 56            | "          | 539      | 64       | 110     | 400    | 19        | 64           |        | 30     | 2                          | 1                          |               |
|               | 6            |               |            | 5040     | 378      | 318     | 1644   | 1713      | 259          | 129    | 368    | 58                         | 6                          |               |
|               |              | 59            | Caswell    | 1139     |          | 32      | 141    | 662       |              |        | 27     | 10                         | 1                          |               |
|               |              | 50            | Person     | 751      |          | 28      | 130    | 273       | 60           |        | 13     | 10                         |                            |               |
|               |              | 37            | Granville  | 502      |          |         |        | 306       | 50           |        |        | 7                          |                            |               |
|               |              | 38            | "          | 644      |          |         |        | 582       | 37           |        | 3      | 10                         |                            |               |
|               | 16           |               |            | 3036     |          | 61      | 271    | 1823      | 147          |        | 43     | 37                         | 1                          |               |
| 3             |              |               |            | 8076     | 378      | 379     | 1915   | 3536      | 436          | 129    | 411    | 95                         | 7                          |               |



| No. Divisions. | No. Brigades. | No. Regiments. | Counties.   | Infantry | Riflemen | ARMS.    |         |            | PUBLIC ARMS. |         |         | No Companies of Infantry. | No Companies of Riflemen. | No Companies |
|----------------|---------------|----------------|-------------|----------|----------|----------|---------|------------|--------------|---------|---------|---------------------------|---------------------------|--------------|
|                |               |                |             |          |          | Muskets. | Rifles. | Shot Guns. | Muskets.     | Rifles. | Swords. |                           |                           |              |
|                |               | 63             | Davie       | 901      |          | 13       |         | 118        |              | 105     | 50      | 8                         |                           |              |
|                |               | 64             | Rowan       | 1436     |          | 51       |         | 400        | 51           | 105     | 47      | 12                        | 2                         |              |
|                |               | 87             | Davidson    | 877      |          |          | 526     | 210        |              |         | 31      | 10                        |                           |              |
|                |               | 88             | "           | 739      |          |          | 400     | 143        | 62           | 120     |         | 9                         |                           |              |
|                | 7             |                |             | 2663     |          | 64       | 926     | 871        | 113          | 330     | 128     | 39                        | 2                         |              |
|                |               | 70             | Lincoln     | 1289     | 64       | 22       | 678     | 148        |              |         | 47      | 14                        | 1                         |              |
|                |               | 71             | "           | 689      |          | 74       | 250     | 196        | 54           |         |         | 10                        |                           |              |
|                |               | 76             | Rutherford  | 572      |          | 9        | 250     | 61         | 1            |         | 20      | 6                         |                           |              |
|                |               | 77             | "           | 925      |          |          | 348     | 154        |              |         | 40      | 11                        |                           |              |
|                |               | 78             | "           | 513      |          | 48       | 202     | 80         | 130          | 80      |         | 7                         |                           |              |
|                | 10            |                |             | 4188     | 64       | 153      | 1728    | 639        | 185          | 80      | 107     | 48                        | 1                         |              |
|                |               | 68             | Mecklenburg | 836      |          | 55       | 300     | 400        |              |         | 42      | 10                        |                           |              |
|                |               | 69             | "           | 643      | 70       | 207      | 345     |            |              |         |         | 9                         |                           |              |
|                |               | 62             | Cabarrus    | 938      |          | 17       | 430     | 291        |              |         | 48      | 12                        |                           |              |
|                |               | 60             | Montgomery  | 582      |          | 172      | 223     |            |              |         |         | 7                         |                           |              |
|                |               | 61             | "           | 707      |          | 35       | 440     | 126        |              |         | 45      | 9                         |                           |              |
|                |               | 1              | Volunteers  | 228      | 67       |          |         | 41         | 91           | 67      | 30      | 3                         | 2                         |              |
|                | 11            |                |             | 4134     | 137      | 486      | 1738    | 858        | 91           | 67      | 165     | 50                        | 2                         |              |
|                | 4             |                |             | 10985    | 201      | 703      | 4392    | 2368       | 389          | 477     | 400     | 37                        | 5                         |              |
|                |               | 82             | Buncombe    | 868      |          | 32       | 352     | 180        | 65           |         |         | 11                        |                           |              |
|                |               | 83             | "           | 721      |          | 76       | 411     | 5          | 20           |         |         | 10                        |                           |              |
|                |               | 84             | Yancy       | 639      |          |          | 396     | 58         | 17           |         | 9       | 8                         |                           |              |
|                |               | 86             | Haywood     | 591      |          | 48       | 284     | 11         | 48           | 52      | 13      | 8                         |                           |              |
|                |               | 90             | Macon       | 625      |          | 20       | 269     | 16         |              |         | 19      | 10                        |                           |              |
|                | 15            |                |             | 3444     |          | 176      | 1712    | 270        | 150          | 52      | 41      | 47                        |                           |              |
|                |               | 79             | Burke       | 596      |          | 39       |         | 68         |              | 276     | 27      | 6                         |                           |              |
|                |               | 80             | "           | 642      | 47       | 29       | 390     | 64         |              | 60      | 25      | 9                         | 1                         |              |
|                |               | 81             | "           | 534      |          | 43       | 350     | 50         |              |         | 18      | 6                         |                           |              |
|                |               | 92             | "           | 387      |          | 13       | 173     | 9          |              | 6       | 10      | 5                         |                           |              |
|                |               | 52             | Iredell     | 1017     |          | 41       | 472     | 175        |              |         | 53      | 11                        | 2                         |              |
|                |               | 89             | "           | 749      |          | 7        | 289     | 83         |              |         | 21      | 9                         | 1                         |              |
|                | 19            |                |             | 3925     | 47       | 172      | 1674    | 449        |              | 342     | 154     | 46                        | 4                         |              |
|                | 5             |                |             | 7369     | 47       | 348      | 3386    | 719        | 150          | 394     | 195     | 93                        | 4                         |              |
|                |               | 30             | New Hanover | 862      | 44       | 30       | 69      | 577        | 23           | 60      | 39      | 12                        | 1                         |              |
|                |               | 39             | Brunswick   | 464      |          | 48       | 68      | 284        | 43           |         | 2       | 6                         |                           |              |
|                |               | 24             | Onslow      | 752      |          | 16       | 11      | 523        |              |         |         | 10                        |                           |              |
|                |               | 31             | Duplin      | 715      |          |          | 17      | 603        | 3            |         | 17      | 12                        |                           |              |
|                | 3             |                |             | 2693     | 44       | 94       | 165     | 1987       | 69           | 60      | 58      | 40                        | 1                         |              |
|                |               | 25             | Jones       | 322      |          | 12       | 3       | 248        | 165          |         | 13      | 6                         |                           |              |
|                |               | 26             | Lenoir      | 519      |          | 2        | 8       | 410        | 75           |         | 15      | 6                         |                           |              |
|                |               | 40             | Wayne       | 845      |          | 4        | 44      | 493        | 43           |         | 18      | 10                        |                           |              |
|                |               | 28             | Johnston    | 1009     |          | 19       | 110     | 465        | 150          |         | 30      | 13                        |                           |              |
|                | 12            |                |             | 2695     |          | 27       | 165     | 1616       | 433          |         | 76      | 35                        |                           |              |
| 6              |               |                |             | 5388     | 44       | 121      | 330     | 3603       | 502          | 60      | 134     | 75                        | 1                         |              |

# A.—CONTINUED.

| No. Divisions. | No. Brigades. | No. Regiments. | Counties.   | Infantry. | Riflemen. | ARMS.    |         |            | PUBLIC ARMS. |         |         | No. Companies of Infantry. | No. Companies of Riflemen. |
|----------------|---------------|----------------|-------------|-----------|-----------|----------|---------|------------|--------------|---------|---------|----------------------------|----------------------------|
|                |               |                |             |           |           | Muskets. | Rifles. | Shot Guns. | Muskets.     | Rifles. | Swords. |                            |                            |
|                |               | 20             | Edgecombe   | 630       |           | 4        | 23      | 112        | 51           |         | 32      | 8                          |                            |
|                |               | 21             | "           | 569       |           | 4        |         | 518        |              |         | 31      | 7                          |                            |
|                |               | 13             | Martin      | 745       |           | 65       | 25      | 535        | 60           |         | 45      | 8                          |                            |
|                |               | 14             | Halifax     | 452       |           | 15       |         | 255        | 57           |         | 16      | 6                          |                            |
|                |               | 15             | "           | 375       |           |          | 12      | 299        | 111          |         | 22      | 8                          |                            |
|                |               | 16             | Northampton | 914       |           |          |         | 642        |              |         | 19      | 12                         |                            |
|                | 5             |                |             | 3685      |           | 85       | 60      | 2361       | 279          |         | 165     | 49                         |                            |
|                |               | 22             | Nash        | 698       |           |          |         | 600        | 166          |         | 27      | 9                          |                            |
|                |               | 23             | Warren      | 809       |           | 100      | 2       | 433        | 100          | 2       |         | 8                          |                            |
|                |               | 35             | Wake        | 995       |           | 104      | 64      | 716        | 104          |         |         | 12                         |                            |
|                |               | 36             | "           | 967       |           | 125      | 100     | 430        | 125          | 100     | 112     | 14                         |                            |
|                |               | 29             | Franklin    | 954       |           |          |         | 657        | 60           |         | 12      | 10                         |                            |
|                | 17            |                |             | 4423      |           | 329      | 166     | 2836       | 555          | 102     | 151     | 53                         |                            |
|                | 7             |                |             | 8108      |           | 417      | 226     | 5197       | 834          | 102     | 316     | 102                        |                            |
|                |               | 17             | Carteret    | 486       |           | 157      |         | 278        |              |         |         | 4                          |                            |
|                |               | 18             | Craven      | 1001      |           | 24       |         | 814        | 133          |         | 30      | 15                         |                            |
|                |               | 19             | Pitt        | 893       |           | 19       | 4       | 617        | 102          |         | 34      | 15                         |                            |
|                |               | 27             | Greene      | 499       |           | 2        | 2       | 402        | 66           |         | 17      | 7                          |                            |
|                | 2             |                |             | 1979      |           | 202      | 6       | 2111       | 301          |         | 81      | 41                         |                            |
|                |               | 8              | Washington  | 330       |           |          |         |            | 102          |         | 12      | 4                          |                            |
|                |               | 11             | Beaufort    | 546       |           | 50       | 3       | 305        | 102          |         |         | 7                          |                            |
|                |               | 12             | Hyde        | 999       |           | 17       |         | 898        |              |         | 30      | 13                         |                            |
|                |               | 7              | Tyrrell     | 542       |           | 8        | 1       | 300        |              |         | 25      | 7                          |                            |
|                | 13            |                |             | 2417      |           | 75       | 4       | 1503       | 204          |         | 67      | 31                         |                            |
|                | 8             |                |             | 4396      |           | 277      | 10      | 3614       | 505          |         | 148     | 72                         |                            |
|                |               | 57             | Gaillard    | 802       |           | 31       | 231     | 216        |              |         | 16      | 9                          |                            |
|                |               | 58             | "           | 881       |           | 13       | 330     | 144        |              |         | 22      | 9                          |                            |
|                |               | 67             | Rockingham  | 443       |           | 10       | 82      | 298        |              |         | 16      | 10                         |                            |
|                |               | 91             | "           | 684       |           | 11       | 147     | 248        |              |         | 18      | 8                          |                            |
|                |               | 65             | Stokes      | 750       |           |          | 290     | 175        |              |         | 18      | 9                          |                            |
|                |               | 66             | "           | 1431      |           | 7        | 541     | 263        |              |         | 24      | 9                          |                            |
|                |               | 3              | Volunteers  | 420       |           |          | 120     | 100        |              | 100     | 20      | 5                          |                            |
|                | 8             |                |             | 4111      |           | 72       | 1741    | 1444       |              | 100     | 134     | 59                         |                            |
|                | 46            |                | Ashe        | 390       | 226       | 35       | 455     | 80         |              | 105     | 46      | 5                          | 4                          |



# A.---CONTINUED.

| No. Divisions, | No. Brigades. | No Regiments. | Counties.  | ARMS.     |           |          |         | PUBLIC ARMS. |         |         | No Companies of Infantry. | No Companies of Riflemen | No Companies of Riflemen |         |
|----------------|---------------|---------------|------------|-----------|-----------|----------|---------|--------------|---------|---------|---------------------------|--------------------------|--------------------------|---------|
|                |               |               |            | Infantry. | Riflemen. | Muskets. | Rifles. | Shot Guns.   | Muskets | Rifles. |                           |                          |                          | Swords. |
|                |               |               |            |           |           |          |         |              |         |         |                           |                          |                          |         |
|                |               | 97            | "          | 598       | 99        |          | 364     | 62           |         |         | 26                        | 8                        | 1                        |         |
|                |               | 73            | Surry      | 757       |           | 145      | 159     | 180          |         |         | 18                        | 11                       |                          |         |
|                |               | 74            | Wilkes     | 765       |           | 57       | 351     | 83           | 40      |         | 22                        | 8                        | 2                        |         |
|                |               | 75            | "          | 672       | 71        |          | 488     | 76           | 2       |         |                           | 2                        | 1                        |         |
|                |               | 2             | Volunteers | 87        | 100       | 13       | 155     | 13           |         | 105     | 10                        | 2                        | 3                        |         |
|                |               | 95            |            | 293       | 62        |          | 300     |              |         |         | 27                        | 4                        | 1                        |         |
|                |               | 9             |            | 3562      | 558       | 250      | 2272    | 424          | 42      | 200     | 149                       | 47                       | 12                       |         |
| 1              | 19            |               |            | 7673      | 558       | 322      | 4013    | 1868         | 42      | 300     | 283                       | 106                      | 12                       |         |

B  
CAVALRY.

| No. of Division. | No. Brigade<br>to which<br>attached. | Commis'd Officers. | Non. Com. Officers. | Privates. | Total Non Com.<br>Officers and<br>Privates. | Aggregate | Public Arms.       |         |
|------------------|--------------------------------------|--------------------|---------------------|-----------|---------------------------------------------|-----------|--------------------|---------|
|                  |                                      |                    |                     |           |                                             |           | Horemens' Pistols. | Sabres. |
| 3                | 8                                    | 15                 | 9                   | 115       | 136                                         | 151       | 120                | 60      |
| 1                | 16                                   | 9                  | 7                   | 35        | 39                                          | 48        |                    |         |
| 7                | 11                                   | 31                 | 7                   | 132       | 155                                         | 186       | 302                | 158     |
| 2                | 14                                   | 7                  | 27                  | 81        | 108                                         | 115       | 100                | 50      |
|                  | 11                                   | 21                 | 7                   | 114       | 121                                         | 138       | 103                | 98      |
| 13               | 60                                   | 83                 | 57                  | 477       | 559                                         | 638       | 625                | 366     |

Infantry,  
Riflemen,  
Cavalry,  
Exempts,

64,858  
1,409  
638  
2,880

Total,

69,785



## ROSTER OF GENERAL OFFICERS.

| No. of Divisions<br>and Brigades. |                    |    |      |      |
|-----------------------------------|--------------------|----|------|------|
| 1                                 | Duncan McDonald    | 27 | Dec. | 1820 |
| 2                                 | Jas. McKay         | 27 | Dec. | 1832 |
| 8                                 | Jno. J. Pasteur    | 15 | Dec. | 1828 |
| 7                                 | Daniel S. Crenshaw |    |      | 1842 |
| 4                                 | John G. Bynum      |    | Nov. | 1814 |
| 5                                 | Alex. F. Gaston    |    | May  | 1841 |
| 9                                 | Sam. A. Dalton     | 22 | Jan. | 1841 |
| 6                                 | Alex. McRae        | 11 | Dec. | 1841 |
| 3                                 | Benj. Trollinger,  | 5  | Sep. | 1837 |

| Brigades. |                     |    |      |      |
|-----------|---------------------|----|------|------|
| 14        | J. M. Waddell       | "  | "    | "    |
| 5         | Joshua Barnes       |    | Oct  | 1842 |
| 4         | W. D. Dowd          | 27 | Dec. | 1827 |
| 11        | Wm. C. Means        | 27 | Dec. | 1827 |
| 7         | Jas. Cook           | 27 | Dec. | 1827 |
| 9         | Wm. Horton          | 16 | Feb. | 1833 |
| 10        | Joseph Barringer    | "  | "    | "    |
| 13        | H. G. Spruill       | 26 | Feb. | 1833 |
| 18        | Jno. D. Pipkin      | 26 | Feb. | 1833 |
| 19        | David R. Lourie     | "  | "    | "    |
| 2         | H. G. Cutler        | "  | "    | "    |
| 16        | Holt                | "  | "    | "    |
| 6         | W. Lea              | "  | "    | "    |
| 1         | J. C. B. Ehringhaus | "  | "    | 1842 |
| 12        | Geo. W. Whitfield   | 16 | Jan  | 1836 |
| 3         | L. H. Marsteller    | "  | "    | "    |
| 8         | Jno. M. Logan       | "  | "    | "    |
| 17        | Jas. M. Mangum      |    |      | 1842 |
| 15        | J. McLelland        | "  | "    | "    |

## NO. OF REGIMENTS AND BY WHOM COMMANDED.

ROSTER OF GENERAL OFFICERS

| Col.     |                    |  | 38 | Regiment. |
|----------|--------------------|--|----|-----------|
| "        | Pro E. A. Jones,   |  | 11 | "         |
| "        | Pelege W. Spencer, |  | 44 | "         |
| "        | John Morison,      |  | 15 | "         |
| "        | Burrell Dunn,      |  | 50 | "         |
| "        | James T. Jones,    |  | 43 | "         |
| "        | A. McMillan,       |  | 8  | "         |
| "        | J. J. Harrison     |  | 29 | "         |
| "        | Jo. A. Whitaker,   |  | 56 | "         |
| "        | Alfred Stailey,    |  | 66 | "         |
| "        | A. J. Stafford,    |  | 87 | "         |
| "        | Alex. Conrad,      |  | 40 | "         |
| "        | W. S. G. Andrews,  |  | 69 | "         |
| "        | Thomas C. Wilson,  |  | 74 | "         |
| "        | B. F. Petty,       |  | 21 | "         |
| "        | H. Ward,           |  | 12 | "         |
| "        | Henry J. B. Clark, |  | 93 | "         |
| "        | Murdock McKimmon,  |  | 19 | "         |
| "        | R. H. Adams,       |  | 67 | "         |
| "        | F. Watkins,        |  | 61 | "         |
| "        | D. A. G. Palmer,   |  | 62 | "         |
| "        | Martin Shever,     |  | 89 | "         |
| "        | J. F. Melholen,    |  | 64 | "         |
| "        | J. H. Brown,       |  | 84 | "         |
| "        | Tho. R. Miller,    |  | 81 | "         |
| "        | Alney Burgin,      |  | "  | "         |
| 1 Vol.   | W. B. Cochran,     |  | 20 | "         |
| "        | R. Bynum,          |  | 54 | "         |
| "        | Jonathan Trull,    |  | 22 | "         |
| "        | William F. Batley, |  | 32 | "         |
| "        | G. H. Daughtry,    |  | 48 | "         |
| "        | Parsley Nelson,    |  | 49 | "         |
| "        | Handy Wood,        |  | 28 | "         |
| "        | D. McPherson,      |  | 27 | "         |
| "        | W. R. Jones,       |  | 37 | "         |
| "        | T. J. Gregory,     |  | 42 | "         |
| "        | Neil Regan,        |  | 91 | "         |
| Lt. Col. | Peter Scales,      |  | 34 | "         |
| Col.     | A. Murchison,      |  | 70 | "         |
| "        | Wm. L. Mehoffy,    |  | 86 | "         |
| "        | Z. B. Allen,       |  | 72 | "         |
| "        | H. M. Waugh,       |  | 14 | "         |
| "        | R. H. Walker,      |  | 55 | "         |
| "        | Michael Cox,       |  | 13 | "         |
| "        | Joseph G. Carray,  |  | 26 | "         |
| "        | James W. Cox,      |  | 79 | "         |
| "        | Alfred Martin,     |  | "  | "         |
| 2 Volun. | H. Marshall,       |  | "  | "         |



|            |                      |    |   |
|------------|----------------------|----|---|
| "          | B. W. Alexander,     | 68 | " |
| "          | F. L. Simpson,       | 57 | " |
| "          | Chas. McD. Dickson,  | 80 | " |
| "          | D. McKormock,        | 33 | " |
| "          | J. A. Hanston,       | 58 | " |
| "          | R. Murchison,        | 46 | " |
| "          | C. D. Hill,          | 31 | " |
| "          | John F. Johnson,     | 16 | " |
| "          | Joseph Pitman,       | 92 | " |
| "          | Willie Pope,         | 36 | " |
| "          | John H. Manly,       | 35 | " |
| "          | A. H. Grandy,        | 2  | " |
| "          | Chas. McClees,       | 7  | " |
| "          | Benjamin Askew,      | 25 | " |
| "          | Sam. S. Biddle,      | 18 | " |
| "          | Thos. M. Carter,     | 5  | " |
| "          | Jas. K. Lea,         | 59 | " |
| "          | G. D. Boggan,        | 53 | " |
| "          | Stephen Roberson,    | 94 | " |
| "          | John McRae,          | 30 | " |
| "          | William M. Baldwin   | 85 | " |
| "          | P. S. Gregg,         | 77 | " |
| "          | W. D. Jones,         | 97 | " |
| "          | Jonathan Horton,     | 95 | " |
| "          | W. N. Ramsey,        | 52 | " |
| Volunteers | Grayner Marsh        | "  | " |
| Cavalry    | H. L. Robards,       | "  | " |
| "          | W. H. Nut,           | "  | " |
| Col.       | A. G. Logan,         | 76 | " |
| "          | Graham A. Nicholson, | 51 | " |
| "          | Barnes Goodman,      | 6  | " |
| "          | S. N. Stowe          | 71 | " |
| "          | J. F. Lee,           | 9  | " |
| "          | Thos. M. Angel       |    |   |
| "          | P. Anderson,         | 84 | " |
| "          | Wm. Kiser,           | 65 | " |
| "          | S. Taylor,           | 63 | " |
| "          | John Myers,          | 88 | " |
| "          | J. E. Saintclare,    | 75 | " |
| "          | A. A. Turner,        | 3  | " |
| "          | J. B. Jones,         | 1  | " |
| "          | Wm. P. Taylor,       | 45 | " |
| "          | Wm. H. Woods,        | 47 | " |
| "          | Alex. Smith,         | 78 | " |
| "          | Jas. L. Ganes,       | 60 | " |
| "          | William R. Hall,     | 39 | " |
| "          | Wm. H. Arendell,     | 17 | " |
|            |                      | 23 | " |

# E DELINQUENTS.

## In returns to Adjutant General—

|                              |              |
|------------------------------|--------------|
| Brig. Gen. Wm. Horton,       | 9th Brigade. |
| “ “ David R. Lourie,         | 19th “       |
| Colonels of the 10 Regiment, | Hertford     |
| 41 “                         | Bladen       |
| 45 “                         | Chatham      |
| 47 “                         | Orange       |
| 78 “                         | Rutherford   |
| 60 “                         | Montgomery   |
| 83 “                         | Buncombe     |
| 39 “                         | Brunswick    |
| 23 “                         | Warren       |
| 17 “                         | Carteret     |

## In Returns to Major Generals—

|                  |           |
|------------------|-----------|
| H. G. Cutler,    | 2 Brigade |
| David R. Lourie, | 19 “      |
| W. D. Dowd       | 4 “       |
| J. M. Waddill,   | 14 “      |

## In Returns to Brigadier Generals,

|                                        |              |
|----------------------------------------|--------------|
| Colonel of the 51 Regiment of Richmond |              |
| 60 “                                   | “ Montgomery |
| 21 “                                   | “ Edgecomb   |
| 39 “                                   | “ Brunswick  |

## In Reviews—

Maj. Gen. Jas. McKay

Volunteers  
Cavalry  
Col.

Wm. H. Atendell  
William R. Hall  
Jas. L. Ganes  
Alex. Smith  
Wm. H. Woods  
Wm. P. Taylor  
J. R. Jones  
A. A. Turner  
J. E. Saintclair  
John Myers  
S. Taylor  
Wm. Kiser  
P. Anderson  
Thos. M. Angel  
J. F. Lee  
S. N. Stowe  
Barnes Goodman  
Graham A. Nicholson  
A. G. Logan  
W. H. Nut  
H. L. Roberts  
Gravner Marsh  
W. N. Ramsey  
Jonathan Horton





No. 11.

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LEGISLATURE OF NORTH CAROLINA.

DECEMBER, 6, 1844.

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STATEMENT

SHOWING

THE RECEIPTS AND EXPENDITURES

ON THE

RALEIGH AND GASTON RAIL ROAD.



STATEMENT.

Showing the receipts and expenditures on the Raleigh & Gaston Rail Road for the fiscal year ending the 30th April, 1844, and for the succeeding six months ending the 31st October, 1844.

RALEIGH & GASTON RAIL ROAD OFFICE, }  
December 5th, 1844. }

SIR:

In compliance with the provisions of the charter of the Raleigh & Gaston Rail Road Company, I have the honor herein to enclose for the use of the Legislature, a statement, showing the receipts and expenditures on the Raleigh & Gaston Rail Road for the fiscal year ending the 30th April, 1844, and for the succeeding six months ending the 31st October, 1844.

I have the honor to be,

Very respectfully,

Your ob't ser't.,

S. F. PATTERSON, Prest.

R. & G. R. R. Co.

To the

Hon. EDWARD STANLY,

Speaker of the House of Commons.

## STATEMENT,

Showing the receipts and expenditures on the Raleigh & Gaston Rail Road for the fiscal year ending the 30th April, 1844, and for the succeeding six months ending the 31st October, 1844.

|                                                                                                                              |              |
|------------------------------------------------------------------------------------------------------------------------------|--------------|
| Receipts from all sources on account of transportation for the fiscal year, ending the 30th April 1844,                      | \$53,460 77  |
| Expenditures for repairs of Road, Engines, Coaches, Cars &c. and for ordinary current expenses during the same period        | \$49,470 67  |
| Excess,                                                                                                                      | \$3,990 10   |
| Receipts from all sources on account of transportation for <i>six months</i> , from the 1st May to 31st October, 1844,       | \$30,206 38* |
| Expenditures for repairs of Road &c. &c. and for ordinary current expenses during the same period, paid and <i>estimated</i> | 26,205 39†   |
| Excess for 6 months,                                                                                                         | \$4,000 99   |

\*In this sum is included a balance of mail pay due from the Post Office Department for September and October, not yet actually received.

†A part of this amount is estimated—the items of expenditure during the 6 months, not being as yet all liquidated and paid.



LEGISLATURE OF NORTH CAROLINA

IN HOUSE OF COMMONS, JAN. 1, 1863.

Made the order for 2 o'clock on Friday, on Mr. Schell's motion, and ordered to be printed.

RESOLUTIONS

TO THE FOURTH INSTALLMENT

Whereas the people of North Carolina are anxious to have  
2 within their borders, facilities for the deaf and dumb and the blind  
3 and the insane; and unless the General Government will pay o-  
4 ver the fourth installment of the said institutions provided by  
5 an act of Congress passed in the year 1856, and which the na-  
6 tional faith stands pledged to carry out, these humane institu-  
7 tions cannot be erected without heavy taxation; and whereas,  
8 it now appears that owing to obligations entered into previous  
9 to the meeting of this General Assembly, it becomes indispensa-  
10 bly necessary to raise money to meet the said obligations,  
11 without a resort to taxation:  
Therefore be it resolved by the General Assembly of the  
2 State of North Carolina, That in the opinion of this Legisla-  
3 ture, it is the duty of our Senators and Representatives in Congress,  
4 to use their efforts to procure the payment of said installment,  
5 amounting to \$177,519 89, that the rights of the State may be  
6 relieved from embarrassment and that the State may be enabled,  
7 without taxation, to establish the charitable institutions demanded  
8 by the people.  
Resolved, That the Governor of this State be requested to for-  
9 ward a copy of these resolutions to each of our Senators and Re-  
10 presentatives in Congress, with a request that they lay them be-  
11 fore their respective bodies.

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LEGISLATURE OF NORTH CAROLINA.

IN HOUSE OF COMMONS, JAN. 1, 1845.

Made the order for 5 o'clock on Friday, on Mr. Scales' motion, and ordered to be printed.

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RESOLUTIONS

IN RELATION

TO THE FOURTH INSTALMENT.

---

Whereas the people of North Carolina are anxious to have  
2 within her borders, Asylums for the deaf and dumb and the blind  
3 and the insane ; and unless the General Government will pay o-  
4 ver the fourth instalment of the surplus revenue, as provided by  
5 an act of Congress passed in the year 1836, and which the na-  
6 tional faith stands pledged to carry out, these humane institu-  
7 tions cannot be erected without heavy taxation ; and whereas,  
8 it now appears that owing to obligations entered into previous  
9 to the meeting of this General Assembly, it becomes indispensa-  
10 bly necessary to raise money, to meet the said obligations,  
11 without a resort to taxation :

*Therefore be it Resolved by the General Assembly of the*  
2 *State of North Carolina, That in the opinion of this Legisla-*  
3 *ture, it is the duty of our Senators and Representatives in Congress,*  
4 *to use their efforts to procure the payment of said instalment,*  
5 *amounting to \$477,919 39, that the finances of the State may be*  
6 *relieved from embarrassment, and that the State may be enabled,*  
7 *without taxation, to establish the charitable institutions demanded*  
8 *by the people.*

*Resolved, That the Governor of this State be requested to for-*  
2 *ward a copy of these resolutions to each of our Senators and Re-*  
3 *presentatives in Congress, with a request that they lay them be-*  
4 *fore their respective bodies.*



## LEGISLATURE OF NORTH CAROLINA

IN HOUSE OF COMMONS, JAN. 1, 1842.

State the order of the day, as the House has ordered, and subject to be printed.

## RESOLUTIONS

AS PASSED

## TO THE FOURTH INSTALMENT.

Whereas the people of North Carolina are anxious to have  
 1 within the borders of this State, for the use of the land and the land  
 2 and the people; and whereas the General Assembly will pay a  
 3 for the fourth instalment of the said money as provided by  
 4 an act of the General Assembly, in the year 1841, and which the  
 5 said money is to be used for the purpose of carrying out the  
 6 said money pledged to carry out the said money; and whereas  
 7 the said money is to be used for the purpose of carrying out the  
 8 said money, and which is to be used for the purpose of carrying out the  
 9 said money, and which is to be used for the purpose of carrying out the  
 10 said money, and which is to be used for the purpose of carrying out the  
 11 said money, and which is to be used for the purpose of carrying out the

Whereas the people of North Carolina are anxious to have  
 1 within the borders of this State, for the use of the land and the land  
 2 and the people; and whereas the General Assembly will pay a  
 3 for the fourth instalment of the said money as provided by  
 4 an act of the General Assembly, in the year 1841, and which the  
 5 said money is to be used for the purpose of carrying out the  
 6 said money, and which is to be used for the purpose of carrying out the  
 7 said money, and which is to be used for the purpose of carrying out the  
 8 said money, and which is to be used for the purpose of carrying out the  
 9 said money, and which is to be used for the purpose of carrying out the  
 10 said money, and which is to be used for the purpose of carrying out the  
 11 said money, and which is to be used for the purpose of carrying out the

Whereas the people of North Carolina are anxious to have  
 1 within the borders of this State, for the use of the land and the land  
 2 and the people; and whereas the General Assembly will pay a  
 3 for the fourth instalment of the said money as provided by  
 4 an act of the General Assembly, in the year 1841, and which the  
 5 said money is to be used for the purpose of carrying out the  
 6 said money, and which is to be used for the purpose of carrying out the  
 7 said money, and which is to be used for the purpose of carrying out the  
 8 said money, and which is to be used for the purpose of carrying out the  
 9 said money, and which is to be used for the purpose of carrying out the  
 10 said money, and which is to be used for the purpose of carrying out the  
 11 said money, and which is to be used for the purpose of carrying out the





## LEGISLATURE OF NORTH CAROLINA

IN SENATE, JANUARY 3, 1845.

Read the first time and passed, and on motion by Mr. Jeffries, ordered to be printed.

## A BILL

For levying taxes to meet the extraordinary demands upon the Treasury of the State.

Whereas, claims upon the Treasury to a considerable amount beyond the ordinary charges of administering the government of the State, will have to be met before the next regular session of the General Assembly, and it is just and reasonable, that provision be made for meeting the said claims without increasing the taxes levied by law upon the ordinary subjects of taxation, by suitable assessments upon articles of luxury in use amongst the citizens of the State, and upon moneys at interest and now yielding:

Therefore, be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That there shall be yearly levied and collected in each of the counties of this State the following taxes, that is to say, for and upon every gold watch used by any person in this State, the sum of two dollars; for and upon every pleasure carriage so used, the following sums, to wit: upon every such carriage suspended upon C springs, five dollars; upon every such carriage suspended upon horizontal or elliptical springs of steel or metal, two dollars; and upon every such carriage which shall be without springs or upon springs of wood, one dollar; and upon all sums of money loaned or out at interest by or for the use of any person or corporation, except the incorporated banks of this State, which already pay taxes to the State, one quarter of one per cent.

It is further enacted, That every person in the county of his or her residence, and before one of the justices of the peace appointed to take the list of taxables, shall, within the last twenty working days of July in each year, give in a statement upon oath

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LEGISLATURE OF NORTH CAROLINA.

IN SENATE, JANUARY 3, 1845.

Read the first time and passed, and on motion by Mr. Jeffreys, ordered to be printed.

---

A BILL

For levying taxes to meet the extraordinary demands upon the Treasury of the State.

*Whereas*, claims upon the Treasury to a considerable amount  
2 beyond the ordinary charges of administering the government  
3 of the State, will have to be met before the next regular session  
4 of the General Assembly, and it is just and reasonable, that pro-  
5 vision be made for meeting the said claims without increasing  
6 the taxes levied by law upon the ordinary subjects of taxation,  
7 by suitable assessments upon articles of luxury in use amongst  
8 the citizens of the State, and upon moneys at interest and now  
9 yielding:

*Therefore, be it enacted by the General Assembly of the State*  
2 *of North Carolina, and it is hereby enacted by the authority of*  
3 *the same*, That there shall be yearly levied and collected in  
4 each of the counties of this State the following taxes, that is to  
5 say, for and upon every gold watch used by any person in this  
6 State, the sum of two dollars; for and upon every pleasure car-  
7 riage so used, the following sums, to wit: upon every such car-  
8 riage suspended upon C springs, five dollars; upon every  
9 such carriage suspended upon horizontal or elliptical springs of  
10 steel or metal, two dollars; and upon every such carriage which  
11 shall be without springs or upon springs of wood, one dollar;  
12 and upon all sums of money loaned or out at interest by or for  
13 the use of any person or corporation, except the incorporated  
14 banks of this State, which already pay taxes to the State, one  
15 quarter of one per cent.

II. *Be it further enacted*, That every person in the county of  
2 his or her residence, and before one of the justices of the peace  
3 appointed to take the lists of taxables, shall, within the last twenty  
4 working days of July in each year, give in a statement upon oath



5 or affirmation, of any gold watch, and any pleasure carriage by  
 6 him or her owned, and used by him or her, or any member of  
 7 his or her family at any time on or after the first day of March  
 8 preceding; and also of all sums of money by him or her loaned, or  
 9 put out at interest, or which shall have been out at interest to or  
 10 for his or her use or for the use of his or her ward or *cestui que*  
 11 *trust* at any time on or after the said first day of March; and the  
 12 justice shall make out and return to the next session of the court  
 13 of pleas and quarter sessions of his county, a separate list of the  
 14 taxable articles returned under this act; and it shall be the duty  
 15 of the said court to cause a full and true list of such separate lists  
 16 to be made out, and the same shall be copied and certified by  
 17 the clerk and delivered to the sheriff within ten days after the  
 18 adjournment of the court. And the sheriff, upon receiving the  
 19 said list, shall without delay proceed to collect the taxes due  
 20 thereupon, and shall account for and pay over the same to the  
 21 treasury at the time he shall account for and pay over the other  
 22 taxes collected in that year.

III. *Be it further enacted*, That the clerk of the said courts  
 2 shall, on or before the first day of October in each and every  
 3 year, transmit to the Comptroller a copy of the lists of taxables by  
 4 this act directed to be made, and by which list the Comptroller  
 5 shall require the sheriffs respectively to settle their accounts.

IV. *Be it further enacted*, That for the collection of the taxes  
 2 by this act imposed, the sheriffs shall, in their respective counties,  
 3 have all and every the fees by law given for the collection of oth-  
 4 er taxes.

V. *Be it further enacted*, That if any person shall refuse, or  
 2 neglect to give in on oath or affirmation the statement required  
 3 by the second section of this act, he or she shall forfeit and pay  
 4 the sum of one hundred dollars, to be sued for and recovered in  
 5 any court having cognizance thereof in an action of debt in  
 6 the name of the State, and shall be moreover liable in an action  
 7 on the case for double the amount of the taxes by this act levied,  
 8 and which would have become payable had such list been  
 9 by him or her given in, and which actions it shall be the duty of  
 10 the County or Superior Court Solicitor to bring and prosecute to  
 11 judgment for the benefit of the State.

VI. *Be it further enacted*, That for a neglect to perform any  
 2 of the duties required by this act, the clerk and sheriff of any  
 3 county shall be liable to the same penalties and forfeitures, as by

4 law are prescribed for neglect by them, respectively, to perform  
5 the duties or any of them, under the Revised Statutes entitled  
6 Revenue.

VII. *Be it further enacted*, That if any person shall wilfully  
2 swear or affirm falsely in any matter in which an oath or affir-  
3 mation is directed by this act, he or she shall be adjudged guil-  
4 ty of perjury, and shall, on conviction thereof, suffer the pains  
5 and penalties by law prescribed for wilful and corrupt perjury.

VIII. *And be it further enacted*, That this act shall be in force  
2 from and after its ratification; and that the same shall continue  
3 in force for two years, and no longer.



LEGISLATURE OF NORTH CAROLINA

IN HOUSE OF COMMONS, DEC. 30, 1844.

Read first time and passed, and ordered to be printed and made the special order of the day for to-morrow, 12 o'clock.

A BILL

To authorize the Wilmington and Raleigh Rail Road Company to issue Bonds to the amount of one hundred thousand dollars, to redeem a like amount of Bonds issued under the act entitled "An Act for the relief of the Wilmington and Raleigh Rail Road Company."

Sec. I. Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same, That it shall and may be lawful for the Wilmington & Raleigh Rail Road Company, to make their Bonds, payable to the Public Treasurer of the State of North Carolina, for the sum of one hundred thousand dollars, which bonds shall be signed by the President of said Company, under the seal of the same, and made payable for any sum or sums not less than one thousand dollars each, and to carry interest at the rate of six per cent per annum, which interest is to be paid semi-annually, to wit: on the first Monday in January, and the first Monday in July in each and every year, until the said bonds shall be redeemed; fifty thousand dollars of which bonds shall be made payable on the first day of January, one thousand eight hundred and forty-eight; and the remaining fifty thousand dollars shall be made payable on the first day of January, one thousand eight hundred and forty-nine.

Sec. II. Be it further enacted, That the Public Treasurer of the State be and he is hereby authorized and directed to endorse on said bonds, as follows: "Pay to order," and this endorsement shall pledge the State of North Carolina for the payment of the sum in each bond, which endorsement shall be signed by the Public Treasurer, in his official capacity, and countersigned by the Comptroller. The Public Treasurer, after endorsing the bonds as before mentioned, shall duly number and register them at large, in a book prepared for that purpose, and which book shall be safely kept in his office.

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LEGISLATURE OF NORTH CAROLINA.

IN HOUSE OF COMMONS, DEC. 30, 1844.

Read first time and passed, and ordered to be printed and made the special order of the day for to-morrow, 12 o'clock.

---

A BILL

To authorize the Wilmington and Raleigh Rail Road Company to issue Bonds to the amount of one hundred thousand dollars, to redeem a like amount of Bonds issued under the act entitled "An Act for the relief of the Wilmington and Raleigh Rail Road Company."

Sec. I. *Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the Wilmington & Raleigh Rail Road Company, to make their Bonds, payable to the Public Treasurer of the State of North Carolina, for the sum of one hundred thousand dollars, which bonds shall be signed by the President of said Company, under the seal of the same, and made payable for any sum or sums not less than one thousand dollars each, and to carry interest at the rate of six per cent. per annum, which interest is to be paid semi-annually, to wit: on the first Monday in January, and the first Monday in July, in each and every year, until the said bonds shall be redeemed; fifty thousand dollars of which bonds shall be made payable on the first day of January, one thousand eight hundred and forty-eight; and the remaining fifty thousand dollars, shall be made payable on the first day of January, one thousand eight hundred and forty nine.

Sec. II. *Be it further enacted,* That the Public Treasurer of the State be and he is hereby authorized and directed to endorse on said bonds, as follows: "Pay to or order," and this endorsement shall pledge the State of North Carolina for the payment of the sum in each bond, which endorsement shall be signed by the Public Treasurer, in his official capacity, and countersigned by the Comptroller. The Public Treasurer, after endorsing the bonds as before mentioned, shall duly number and register them at large, in a book prepared for that purpose, and which book shall be safely kept in his office.



Sec. III. *Be it further enacted*, That the said bonds so to be made and endorsed, shall be deposited with the Public Treasurer of the State, and fifty thousand dollars thereof shall be by him delivered over to the President & Directors of said Company, whenever the said Company shall pay to the Public Treasurer of the State, the sum of fifty thousand dollars for that amount of bonds of the said Wilmington & Raleigh Rail Road Company, endorsed by the Public Treasurer, and made payable on the first day of January, one thousand eight hundred and forty-five, (1845) under an act entitled "an act for the relief of the Wilmington & Raleigh Rail Road Company." And the remaining fifty thousand dollars thereof shall be by the said Treasurer delivered over to the President & Directors of said company, whenever the said company shall pay to the Public Treasurer of the State, the sum of fifty thousand dollars for that amount of the bonds of said company, endorsed by the Public Treasurer, and made payable on the first day of January, one thousand eight hundred and forty-six, (1846) under the act aforesaid; and whenever the said bonds shall be satisfied and paid as required by this section, it shall be lawful for said President & Directors of the Wilmington & Raleigh Rail Road Company to fill up the blank in each endorsement of the bonds, authorized by this act, and delivered over as aforesaid to the President & Directors of said company, with the name or names of the person or persons, or company, or corporation to whom the same may be transferred or sold; and when so filled up, shall be as binding on the State, as if the same had been done by the Public Treasurer, at the time of making the endorsement aforesaid; and it shall be the duty of the said President & Directors of the said company to furnish the Public Treasurer with a statement of the name or names of the person or persons, company or corporation, to whom the said bonds have been transferred or sold, to whom payable, and the time of the sale or transfer of the same, to be by him registered in the book to be kept for the registration of said bonds.

Sec. IV. *Be it further enacted*, That for the redemption of the bonds hereby authorized to be made, and the payment semi-annually of the interest on the same, at the rate of six per cent. per annum, the faith and credit of the State is pledged to the holders of said bonds; and on failure of the President & Directors of said company to pay the said principal and interest, or any part thereof as it becomes due, the Public Treasurer is authorized to pay the same, out of any money in the Treasury at the time.

Sec. V. *Be it further enacted*, That the said bonds shall be transferable, by the holders thereof, or by his, her, or their attorney, in a book to be kept by the Public Treasurer for that purpose; and in every such transfer, the outstanding bond shall be surrendered to and called in by the Public Treasurer, and a new bond issued for the same amount to the person entitled to the same.

Sec. VI. *Be it further enacted*, That whenever the President and Directors of the Wilmington and Raleigh Rail Road Company, shall make, execute and deliver to the Governor of this State, for and in behalf of the State, a deed of mortgage under the seal of said company, wherein and whereby shall be conveyed to the said Governor and his successors in office, for the use and benefit of the State, all the estate, real and personal, belonging to the said Wilmington & Raleigh Rail Road Company, or in any manner pertaining to the same, conditioned for indemnifying and saving harmless the State of North Carolina, from the payment of the whole or any part of the bonds hereby authorized to be made and issued by the President & Directors of the Wilmington & Raleigh Rail Road Company, and endorsed by the Public Treasurer; also shall make, execute and deliver to the Governor and his successors in office, for the use and benefit of the State, a pledge of so much of the profits of said company as shall be sufficient to pay semi-annually the interest which may accrue on said bonds, until the final payment and redemption of the principal of said bonds, which said deed or deeds of mortgage and pledge shall be approved by the Governor and Attorney General of the State; then it shall be the duty of the Public Treasurer, and he is hereby required to deliver to the President and Directors of the Wilmington & Raleigh Rail Road Company, the bonds in the manner and to such amount as is set forth in the foregoing sections of this act, and which by this act he is authorized and required to endorse, taking therefor the receipt of the President of the said Wilmington & Raleigh Rail Road Company.

Sec. VII. *Be it further enacted*, That in case of failure by the President and Directors of the said Wilmington and Raleigh Rail Road Company, to pay and discharge, semi-annually, the interest which may accrue on the bonds hereby authorized to be made and executed, and which may be delivered to the company, it shall be lawful for the Governor for the time being, to apply, in behalf of the State, to the Superior Court of Equity for the county of Wake, for a sequestration of the receipts



9 for transportation on said road, and for the appointment of  
 10 a receiver or receivers of said receipts; which court, on the  
 11 proof of the failure by the President and Directors of said  
 12 Company to pay said interest, shall have power to order such  
 13 sequestration and appoint a receiver or receivers accordingly; and  
 14 in case of such sequestration and the appointment of receiver or  
 15 receivers of the profits for transportation on said road, it shall be  
 16 the duty of such receiver or receivers to apply so much thereof  
 17 as shall be sufficient to pay the interest on said bonds semi-annu-  
 18 ally, and to pay the excess to the President & Directors of said  
 19 company.

Sec. VIII. *Be it further enacted,* That in case of the failure  
 2 of the President & Directors of the Wilmington & Raleigh Rail  
 3 Road Company to pay the interest on the said bonds and redeem  
 4 the principal thereof, as the said interest and principal, or any  
 5 part thereof, may become due, then it shall be the duty of the  
 6 Governor for the time being, to cause all the mortgages made  
 7 and executed by the President and Directors of the said Wil-  
 8 mington & Raleigh Rail Road Company, to be foreclosed in the  
 9 Superior Court of Equity for the county of Wake, which court is  
 10 hereby authorised and empowered to take jurisdiction of the  
 11 same; and on the decree of foreclosure being made by said court,  
 12 the whole estate, real and personal, shall be sold, at such times  
 13 and in such ways as the court may direct: and out of the pro-  
 14 ceeds of such sale or sales, shall be paid the whole amount of the  
 15 principal and interest, which may be due on said bonds, and all  
 16 other liabilities whatsoever, of the State for and on account of said  
 17 company: *Provided, however,* that nothing in this act contained  
 18 is intended or shall be so construed as to destroy or impair any  
 19 security or securities which the State now has for any monies  
 20 advanced to or for said company, or for indemnity against her  
 21 suretyship for said company.

Sec. IX. *Be it further enacted,* That in case the President &  
 2 Directors of said company shall fail to apply the proceeds and  
 3 income of said road according to the provisions of this act, then  
 4 and in that case it shall be the duty of the Governor of the State  
 5 for the time being, to compel their compliance according to the  
 6 manner prescribed in the foregoing sections of this act.

Sec. X. *Be it further enacted,* That this act shall be in force  
 2 from and after its ratification.

**No. 55.**

**LEGISLATURE OF NORTH CAROLINA.**

*In Senate, Dec. 30, 1844.*

Reported by Mr. Lindsay, from committee. Read first time and passed, and, on motion of Mr. Lindsay, ordered to be printed.

**A BILL**

To consolidate and amend the Acts heretofore passed on the subject of Common Schools.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the nett annual income of the Literary Fund, (exclusive of monies arising from the sale of Swamp Lands) shall annually be distributed among the several counties of this State, in the ratio of their Federal population, to be ascertained by the census next preceding such distribution.

II. *Be it further enacted,* That the Courts of Pleas and Quarter Sessions of the counties which have adopted the School system, shall, at the Term next preceding the first Monday of October, in each and every year, a majority of the Justices of the Peace of said county being present, appoint not less than five nor more than ten, superintendents of Common Schools, who shall hold their appointments for one year, and until others are chosen.

III. *Be it further enacted,* That the term of said superintendents shall commence on the first Monday of October, and they shall assemble at the office of the Clerk of the County Court, on the day thereafter and appoint one of their number chairman.

IV. *Be it further enacted,* That the Clerk of the County Court shall be *ex officio* Clerk of the Board of superintendents and shall record in a book to be kept for that purpose, the proceedings of the board, and such other papers touching the subject of common Schools, as the Board may direct; and shall safely keep all papers which may be committed to his custody by said board.



V. *Be it further enacted*, That the share of the Literary Fund, 2 to which each county may be entitled, under the provisions of 3 this Act, shall be due and payable on or before the first Monday 4 of October, in each and every year, and shall be paid to the chair- 5 man of the board of superintendents or his lawful attorney, upon 6 the warrant of the Comptroller.

VI. *Be it further enacted*, That the Court of Pleas and Quarter 2 Sessions of each and every county, a majority of the Justices be- 3 ing present, are hereby authorised and empowered to levy a tax 4 in the same manner that other county taxes are now levied for 5 other county purposes, which shall not be less than one half of 6 the estimated amount to be received by said county for that year 7 from the Literary Fund; and the Sheriff is hereby required to 8 collect and pay over the same to the chairman of the board of su- 9 perintendents on the day of their first meeting as prescribed in the 10 third section of this act; and his bond given to secure the pay- 11 ment of county taxes, shall contain a condition for the faithful 12 collection and payment of the school taxes to the person author- 13 ised to receive the same; and for a breach of said condition by the 14 Sheriff, the chairman of the board of superintendents shall have 15 the same remedies against him and his securities, as are given to 16 the county trustee for enforcing the payment of ordinary county 17 taxes: except that his right of action shall arise on the first day of 18 November in each and every year, and the Sheriff's penalty shall 19 go to the use of Common Schools in his county.

VII. *Be it further enacted*, That the board of superintendents 2 shall have power to lay off in their counties school districts, and 3 number the same, of such form and size as they may think not 4 conducive to the convenience of the inhabitants of said County, 5 and also to alter the boundaries of the same, causing said bounda- 6 ries and such alterations to be recorded by their Clerk in the book 7 in which the record of their proceedings is kept.

VIII. *Be it further enacted*, That the free white men of the sev- 2 eral School Districts, who are entitled to vote for members of the 3 House of Commons, on the first Monday of October in each and 4 every year, shall vote by ballot for three men, to be entitled "The 5 School Committee," who shall hold their appointment for one 6 year, and until others are chosen: and that said election shall 7 be held at such convenient place in the School District severally, 8 as the said Superintendents may designate: and the three persons 9 having the highest number of votes at such election, shall be de-

10 clared elected as the "School Committee" of their respective dis-  
 11 tricts: and the Superintendents shall have power to fill any va-  
 12 cancy which may occur in said Committee by death, removal, or  
 13 other cause. The Chairman of the Board of Superintendents,  
 14 whose term of service is to expire on the first Monday of October,  
 15 shall give public notice in writing at three or more public places  
 16 in each district of the election to be held as provided in the sec-  
 17 tion, at least ten days before the day of such election; and the said  
 18 board of Superintendents shall appoint two freeholders of the dis-  
 19 trict to conduct such election of the "School Committee." The  
 20 said freeholders shall give to the board of Superintendents whose  
 21 term of service commences on the first Monday of October, on  
 22 the day of their first meeting as prescribed in the third section of  
 23 this Act, a certificate under their hands, of the number of votes  
 24 received by each person, and the said board shall declare the three  
 25 persons receiving the highest number of votes the "School Com-  
 26 mittee," as herein provided: provided, nevertheless, that whenever  
 27 the districts fail to make an election, the board of Superinten-  
 28 dents shall appoint the School Committee, who shall continue in  
 29 office till others are chosen at the next annual election.

IX. *Be it further enacted,* That each Committee of the sever-  
 2 al School districts shall be, and is hereby constituted a body cor-  
 3 porate, by the name and style of "School Committee of District  
 4 number — of the County of ——" as the case may be: and in  
 5 that name shall be capable of purchasing and holding real and  
 6 personal estate for School purposes; of selling and transferring the  
 7 same; and prosecuting and defending all suits for and against said  
 8 corporation.

X. *Be it further enacted,* That whenever suit is brought a-  
 2 gainst any "School District," the process shall be by summons;  
 3 a copy of which shall be left with some one of the Committee of  
 4 said district.

XI. *Be it further enacted,* That it shall be the duty of the  
 2 School Committee to designate and purchase, or lease, a suitable  
 3 site for a School House as near the central part of each district as  
 4 may be convenient; to hire, purchase, or build a School House  
 5 of such form and dimensions as they may deem suitable; and to  
 6 use, for the procuring of a site and school house, such fund as the  
 7 Superintendents may place in their hands for these purposes.

XII. *Be it further enacted,* That the school committee shall,  
 2 in one month after their appointment, report in writing to the



3 Chairman of the board of Superintendents the number and names  
4 of the white children in their districts, of five and under twenty-one  
5 years of age.

XIII. *Be it further enacted*, That it shall be the duty of school  
2 committees to contract with a suitable teacher for their respective  
3 districts, for such time as the monies to which said district may be  
4 entitled, will permit, and strict regard shall be had to the qualifi-  
5 cation and moral character of said teacher: it shall be the duty of  
6 the Teacher at the end of the time for which he was employed to  
7 give to the committee the number and names of the children who  
8 may have gone to his school, specifying the number of days each  
9 one went: and upon his rendering this statement, the committee  
10 shall pay him by giving an order on the chairman.

XIV. *Be it further enacted*, That any branch of English edu-  
2 cation may be taught in said schools: and all white children un-  
3 der the age of twenty-one years, shall be permitted to attend the  
4 school of their district as scholars and receive instruction therein.

XV. *Be it further enacted*, That it shall be the duty of said  
2 school committees to visit the schools from time to time and gener-  
3 ally to perform all such duties as they may deem necessary to the  
4 successful operation of said schools.

XVI. *Be it further enacted*, That within one month after the  
2 school committee shall have reported to the chairman the number  
3 of children in their respective districts, the chairman shall call a  
4 meeting of the board, who shall determine how many teachers are  
5 necessary for each district of their county: and the monies receiv-  
6 ed from the Literary Fund and from the county taxes, shall be dis-  
7 tributed among the school districts of their county in the ratio of  
8 the number of teachers required.

XVII. *Be it further enacted*, That the Board of Superintend-  
2 ents shall have power, and they are hereby authorised, to make  
3 such other regulations relating to the shools of their county, not  
4 inconsistent with the provisions of this Act, as they may deem  
5 necessary to the usefulness of said schools.

XVIII. *Be it further enacted*, That the school committees  
2 shall annually, on or before the first Monday of October of each  
3 and every year, make a report to the Board of Superintendents,  
4 shewing the number and names of children in their respective  
5 districts who have received instruction at their schools the pre-  
6 ceding year; the length of time the same was kept up; the name  
7 of the teacher and the amount paid him; and such other facts in  
8 relation to their schools as they may deem expedient.

**XIX.** *Be it further enacted,* That it shall be the duty of the Board of Superintendents to keep a true and just account of all monies received and expended by them, during the year for which they shall have been chosen, when and of whom received, and for what and to whom paid, and the balance, if any, remaining on hand; and shall lay the same before the Committee of Finance of their respective counties; and if no Committee of Finance, then before the clerk of the county court, together with the vouchers in support of the charges therein made, on or before the second Monday of October, in each year; which account it shall be the duty of the said Committee of Finance, or the clerk of the county court, as the case may be, to carefully examine, and if found correct, to certify the same: and the chairman shall annually, within fifteen days after the first day of November, report in writing to the President and Directors of the Literary Fund, or to such other officer or Board as may be appointed by the General Assembly to manage said fund, a copy of the above account together with the number of children in his county—the number who may have been taught in the schools of his county the preceding year; for what time the schools may have been kept up in the several districts; with such other facts and suggestions as he may deem useful, and he shall make two additional copies of said report—one of which he shall file with the clerk of the board, to be recorded in the Book in which are kept all the proceedings of the board, and the other he shall put up for public inspection in some conspicuous place in the court house of his county.

**XX.** *Be it further enacted,* That if in settling their account as required by the foregoing section, any balance shall be found remaining in the hands of the said Board of superintendents, or any of them, the same shall immediately be paid by them or him, to his or their successors in office: and if the payment of the same be improperly delayed, it shall be the duty of such successors in office, to bring suit in their name of office, in the Superior or county court of their county, for its recovery with interest.

**XXI.** *Be it further enacted,* That if the Board of Superintendents, or any member thereof, in this State, shall missapply to purposes unconnected with Common Schools, any of the school funds placed in the possession of the said Board, or any member thereof, the person or persons so offending and assenting thereto, if he be a member of said Board, shall be deemed guilty of a



7 misdemeanor in office, and shall be subject to indictment in the  
8 County or Superior Court of the County where the offence shall  
9 have been committed, and on conviction thereof shall be fined  
10 or imprisoned at the discretion of the Court.

XXII. *Be it further enacted,* That it shall not be lawful for  
2 any county court in this State, to tax any free person of colour,  
3 for the support and maintenance of any common school or  
4 schools.

XXIII. *Be it further enacted,* That it shall not be lawful  
2 for any committee to receive into their hands any of the funds  
3 set apart for the support of common schools: but whenever it  
4 shall become necessary for any such committee to incur any ex-  
5 pense in the purchase of a piece of land on which to erect a school  
6 house, or to rent, build, or repair a school house, it shall be lawful  
7 for such committee to state an account for such expense, and to  
8 draw on the chairman of the Board of Superintendents for the  
9 same, which account shall accompany the draft so drawn, and  
10 shall be paid by the said chairman, provided the school dis-  
11 trict they represent shall have in the hands of the chairman  
12 a sum sufficient to pay the same.

XXIV. *Be it further enacted,* That it shall be the duty of  
2 the several county courts of this State to require the chairman of  
3 the board of superintendents of common schools, before he en-  
4 ters upon the duties of his office, to give bond with good and  
5 sufficient security in such sum as they may deem reasonable and  
6 adequate, conditioned for the faithful application of the funds  
7 that may come to his hands, and the discharge of all his duties;  
8 which bond shall be payable to the State of North Carolina, and  
9 shall be approved and received by a majority of the superinten-  
10 dents, and shall be filed by them with the clerk of the county  
11 court; and the said chairman shall be allowed to retain not ex-  
12 ceeding five per centum of the monies which shall pass through  
13 his hands, as a compensation for his services.

XXV. *Be it further enacted,* That the president and direc-  
2 tors of the literary fund shall prepare proper forms to enable the  
3 chairman of the board of Superintendents and the school com-  
4 mittee men to make the returns required of them by this act, and  
5 shall cause the same to be printed and distributed to the counties  
6 which have voted or may hereafter vote, for schools: and shall  
7 defray the expense incident to the printing and distribution of  
8 said forms, out of the Literary Fund.

XXVI. *Be it further enacted*, That if any superintendent or committee-man appointed agreeably to the provisions of this act, such superintendent or committee man having accepted the appointment, or any clerk of the county court shall refuse or neglect to perform the duties required of him by law, he shall forfeit and pay the sum of fifty dollars, to be recovered by action of debt, in the name of the State, in any court of record in this State; and such penalty, when recovered, shall be paid over to the chairman of the board of superintendents of the county in which said default may occur, to be applied as the other monies which shall come to his hands from the literary fund and the county; and it shall be the duty of the county attorney for the State to prosecute suit in all such cases, for and on behalf of his county.

XXVII. *Be it further enacted*, That if the chairman shall fail or neglect to pay, on demand, any draft which he may by law be bound to pay, he shall be liable to suit before any tribunal having cognizance thereof, in the name of the person in whose favour said draft may be drawn; and the plaintiff shall be entitled to recover, over and besides the amount of said draft, twelve per centum damages for its unlawful detention.

XXVIII. *Be it further enacted*, That a majority of the Board of superintendents, and a majority of a school committee, shall be competent to do any duty required of the Board, and of a Committee in this act.

XXIX. *Be it further enacted*, That the superintendents and committee men now in office in the several counties, shall so continue and remain until others are chosen as required by this act.

XXX. *Be it further enacted*, That the teachers of any common schools shall be exempt from performing military duty, working on the road, or serving as Jurors whilst engaged in teaching in said schools.

XXXI. *Be it further enacted*, That the president and directors of the literary fund shall cause to be printed copies of this act, and shall distribute the same to the counties which have or may hereafter vote for schools, in the proportion of twenty-five copies for every member in the House of Commons; and shall forward the same to the Chairmen in the several counties at the time the Acts of the present General Assembly may be distributed; and the expense incident to the printing and distribution shall be paid out of the Literary Fund.

XXXII. *Be it further enacted*, That it shall be the duty of the sheriffs of the counties in this State, which have not adopted



3 the common school system, as established by law, when they ad-  
 4 vertise the next election for members of the General Assembly,  
 5 to give notice at the same time, by public advertisement in every  
 6 election precinct, that an election will be held to ascertain the  
 7 voice of the people upon the subject of common schools, and all  
 8 persons who may be entitled to vote for a member of the House  
 9 of Commons, shall be entitled to vote in said election : and every  
 10 voter in favor of schools, will deposite his vote with the word  
 11 "School" upon his ticket : and those opposed to it, will vote "No  
 12 School" upon their tickets : And it shall be the duty of the poll-  
 13 keepers to count the votes given at such precinct for "School" or  
 14 "No School," and to return the same to the sheriff, who shall  
 15 count together all the votes and certify the number for "School,"  
 16 and "No School," separately, to the President and Directors of  
 17 the Literary Board, within thirty days after said election and to  
 18 the County Court of his county next ensuing said election : and  
 19 any sheriff failing to comply with the requisitions of this Act  
 20 shall suffer all the pains and penalties imposed by law for failing  
 21 to discharge his duty in any election for members of Assembly.

XXXIII. *Be it further enacted,* That should a majority of  
 2 the qualified voters of any of the said counties vote in favor of  
 3 schools, then such county shall be entitled to draw from the Lit-  
 4 erary Fund, by warrant from the Comptroller, in favor of the  
 5 Chairman of the Board of superintendents of such county, the  
 6 portion to which such county is properly entitled, to place it on a  
 7 footing of equality with the counties which have already received  
 8 their portion of the said fund—and shall be entitled to all the  
 9 benefits, privileges, and advantages, and subject to all the duties  
 10 and responsibilities of the laws passed for the regulation and  
 11 government of common schools.

XXXIV. *Be it further enacted,* That the President and Di-  
 2 rectors of the Literary Fund, shall vest so much of said fund as  
 3 counties not accepting the school system, would have been enti-  
 4 tled to receive under the ratio prescribed for its distribution, in  
 5 the stock of any of the Banks of this State, or to loan the same,  
 6 upon such terms as may, in their opinion, be best calculated to  
 7 improve the value thereof ; and the County Courts of such coun-  
 8 ties shall take no action on the subject of "common schools" un-  
 9 til a majority of the people of such county shall have voted for  
 10 the system agreeably to the provisions of this Act.

XXXV. *Be it further enacted,* That this act shall be in force  
 2 from and after its ratification.

# LEGISLATURE OF NORTH CAROLINA.

IN SENATE, DEC. 28, 1844.

On motion of Mr. Woodfin, ordered to be printed and made the order of the day for Tuesday next.

## A BILL

To lay off and establish a Turnpike Road from Raleigh to the Buncombe Turnpike Road, and thence to the line of the State of Georgia.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That there shall be laid out and made a Turnpike road from Raleigh, West, to the Buncomb Turnpike Road ; thence to the line of the State of Georgia; and a Turnpike road from the town of Fayetteville to intersect the said proposed road at the most eligible point East of the Yadkin river, or at any other point which may be thought most advisable by the Engineer and Commissioners, who may be employed to lay out said roads ; and that the said road from Fayetteville, shall be begun and prosecuted *pari passu* with the road from Raleigh, in proportion to its length.

Sec. II. *Be it further enacted,* That said roads shall be built and owned exclusively by the State of North Carolina, and shall be thirty feet wide, except where there shall be side cutting, and there it shall be fifteen feet wide, and shall be so laid off and graded as in no place to rise more than one foot in sixteen feet, except that portion of the road West of the Buncombe Turnpike Road ; and that part shall be made twenty feet wide, except where there is side digging; and in such places it shall be twelve feet ; and in no place shall be of greater steepness than to rise one foot in ten feet, and shall be well made.

Section III. *Be it further enacted,* That it shall be the duty of the Governor to appoint a competent engineer and five commissioners, to survey and lay off the tracks for said roads, who



4 shall take an oath before some Judge of the Superior Courts to  
5 lay off said roads to the greatest advantage to the State and the  
6 people.

Section IV. *Be it further enacted,* That in case the owner of  
2 any land through which said roads shall pass, shall feel himself  
3 aggrieved, he may file his petition in the County Court in which  
4 such land is situate, and thereupon it shall be the duty of said  
5 Court to issue an order to the sheriff of said County, directing  
6 him to summon twelve disinterested freeholders, as a jury, to  
7 meet on said premises, examine and assess the damage done to  
8 such land, having due regard, however, to the advantage  
9 such land owner will derive from making the road as well as the  
10 injury sustained; and upon the report of such jury, made to,  
11 and confirmed by such court, the damage so assessed shall be paid  
12 by the County in which the damage is sustained.

Section V. *Be it further enacted,* That on the report of the  
2 Engineer and commissioners herein directed to be appointed be-  
3 ing made to the Governor, shewing that they have completed the  
4 duty required of them under the 3d section of th's act, it shall  
5 be the duty of the Governor to appoint one of said commission-  
6 ers, to let out, to the lowest bidder, the making of the roads in  
7 lots of one mile each.

Section VI. *Be it further enacted,* That it shall be the duty  
2 of the commissioner directed to be appointed under the 6th Sec-  
3 tion of this act so to Contract for the making of said roads, as to  
4 require the completion of each lot according to the contract, be-  
5 fore any payment shall be made therefor, and that the payment  
6 shall only be made as the money shall be collected from the  
7 Cherokee bonds and the Cherokee lands; and the contracts shall  
8 be made so far as the collections and income from this source will  
9 justify.

Section VII. *Be it further enacted,* That all the bonds and  
2 judgments taken for the purchase of the Cherokee lands, and all  
3 the sold and unsold lands in Cherokee county, are hereby pledg-  
4 ed for the making of said road, until the same shall be com-  
5 pleted.

Section VIII. *Be it further enacted,* That the commissioner  
2 to be appointed under the 6th section of this act shall be at liber-  
3 ty to make contracts for making portions of said roads at each end,  
4 and at any other point or points on said roads, in the first instance

5 as he may find the public interest may require; and he shall  
6 have power, in case any debtor of the State for the purchase of  
7 Cherokee lands shall be a contractor on said roads, to give such  
8 contractor a certificate stating when the work was completed and  
9 the amount due therefor, and it shall be received as a payment  
10 of so much on the bond of such contractor to the State.

Section IX. *Be it further enacted*, Whenever fifty miles of  
2 the road shall be completed at any one point, the Governor may  
3 direct a gate to be erected thereon, and collect tolls from persons  
4 and property passing the same, not to exceed six per cent. per  
5 annum on the cost of such part so finished, and so for every fifty  
6 miles, as the same shall be made: *Provided* that the toll so levied  
7 shall in no case, at one gate, exceed the following rate (viz:) on  
8 every four wheeled pleasure carriage 75 cents, on every gig or  
9 sulkey 37½ cents, on every four horse waggon 37½ cents, on every  
10 five or six horse waggon 50 cents, on every two horse waggon or  
11 cart 25 cents, on every one horse waggon and cart other than  
12 pedlar's carts 12½ cents, on every pedlar's cart of one horse 25  
13 cents, on every horse under the saddle 12½ cents, on every head  
14 of loose horses and mules 6 cents, on every head of cattle or  
15 hogs 3 cents, on the stage coach 50 cents, provided the same  
16 passes oftener than four times per week, otherwise 75 cents for  
17 each time of passing; and for all animals for exhibition two dol-  
18 lars each.

Section X. *Be it further enacted*, That the Governor shall  
2 appoint an agent or agents to superintend said roads, to make con-  
3 tracts and see that the same are kept in good order; *Provided*  
4 *however*, that if the majority of the justices of the peace in any  
5 of the counties through which the roads shall pass will make an  
6 order appointing overseers at convenient distances, and assign to  
7 them the necessary number of hands liable to work on roads, and  
8 have the said roads kept in good and sufficient order, and so noti-  
9 fy the superintendent or manager of the roads, then and in conside-  
10 ration thereof, all the citizens of such county may pass and repass  
11 said roads within such county free of any toll on themselves or  
12 their property.



## LEGISLATURE OF NORTH CAROLINA

IN HOUSE OF COMMONS, DEC. 28, 1844.

A memorial, presented, second reading, ordered to be printed and made the special order of the day for Tuesday next at 11 o'clock.

## A BILL

To authorise the foreclosure of the Mortgage of the Raleigh & Gas-  
ton Rail Road.

Whereas, by an act of the General Assembly begun and held on the 3rd Monday of November, 1838, entitled "An act for the relief of the Raleigh & Gaston Rail Road Company," it was provided, among other things, that the Treasurer of the State should endorse the bonds of the said Company to the amount of five hundred thousand dollars for the use and benefit of said Company, and the said Company should execute a Mortgage on the road and other property, real and personal, to secure the State from any loss by reason of its endorsement of said bonds; and also to pledge the profits of the road for payment of interest on the same; And whereas it was also provided in said Act, that the General Assembly might at any time appoint a committee to enquire into the insolvency of said Company; and whereas at a Session of the General Assembly begun and held on the 3rd Monday of November, 1840, an act was passed, entitled "An act to secure the State against any and every liability incurred for the Raleigh & Gaston Rail Road Company, and for relief of the same"; which act also provided, among other things, for the endorsement by the State of bonds to the amount of three hundred thousand dollars for the use and benefit of said Company, and required the Company, on their part to execute and deliver to the Treasurer individual bonds of the stockholders and other subscribers, to the amount of five hundred thousand dollars to secure that amount of liabilities incurred by the State for said Company under the act of 1838; and also to execute and deliver a Mortgage of the road and other property, real and personal, belonging to the Company, to secure the State against any loss by reason of its endorsement of the bonds endorsed under that act; And whereas the said Act also provided that the General Assembly might at any time appoint a committee to enquire into the insolvency of said Company, and its inability to pay

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LEGISLATURE OF NORTH CAROLINA.

IN HOUSE OF COMMONS, DEC. 28, 1844.

Amended, passed second reading, ordered to be printed and made the special order of the day for Tuesday next at 11 o'clock.

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A BILL

To authorise the foreclosure of the Mortgage of the Raleigh & Gaston Rail Road.

*Whereas*, by an act of the General Assembly begun and held on the 3rd Monday of November, 1838, entitled "An act for the relief of the Raleigh & Gaston Rail Road Company," it was provided, among other things, that the Treasurer of the State should endorse the bonds of the said Company to the amount of five hundred thousand dollars, for the use and benefit of said Company, and the said Company should execute a Mortgage on the road and other property, real and personal, to secure the State from any loss by reason of its endorsement of said bonds, and also to pledge the profits of the road for payment of interest on the same; *And whereas* it was also provided in said Act, that the General Assembly might at any time appoint a committee to enquire into the insolvency of said Company; *and whereas* at a Session of the General Assembly begun and held on the 3rd Monday of November, 1840, an act was passed, entitled "An act to secure the State against any and every liability incurred for the Raleigh & Gaston Rail Road Company, and for relief of the same"; which act also provided, among other things, for the endorsement by the State of bonds to the amount of three hundred thousand dollars for the use and benefit of said Company, and required the Company, on their part, to execute and deliver to the Treasurer individual bonds of the stockholders and other subscribers, to the amount of five hundred thousand dollars, to secure that amount of liabilities incurred by the State for said Company under the act of 1838; and also to execute and deliver a Mortgage of the road and other property, real and personal, belonging to the Company, to secure the State against any loss by reason of its endorsements of the bonds endorsed under that act; *And whereas* the said Act also provided that the General Assembly might at any time appoint a committee to enquire into the insolvency of said Company, and its inability to pay



its debts; *And whereas*, at the present General Assembly, a committee has been appointed to enquire into the insolvency of said Company, who have reported that the Raleigh & Gaston Rail Road Company is unable to pay its debts and is insolvent, which said report has been affirmed by this General Assembly:

Sec. I. *Therefore, be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That it shall be the duty of the Governor of the State to cause the mortgages made and executed by the President and Directors of the Raleigh & Gaston Rail Road Company to be foreclosed, in the Superior Court for the County of Wake, at its next Term in April, 1845. In case the defendant, having been duly served with process, shall fail to answer within the three first days of the term, judgment *pro confesso* shall be entered up, and the cause set for hearing, and shall be heard and decided during the term. If the defendant shall appear and respond to the bill, by plea, answer, or demurrer, it shall be the duty of the court to hear and decide the cause as to the prayer for foreclosure and sale, during the term, unless good and sufficient cause for delay be made to appear to the court; in which case the court shall adjourn the case to the earliest day practicable for preparing for a final hearing; and the Judge holding such court, or any other Judge whom the Governor may designate, shall hear the cause at the appointed time; and in case the court shall adjourn the hearing to another day, the court may make such rules and orders for preparing and expediting the trial as may seem agreeable to equity. If, on the hearing, the court shall decree a sale of the mortgaged property, the court shall adjourn the cause to some future day, for the purpose of receiving the report of the commissioner appointed to make sale; and if the same shall be confirmed either then or afterwards, the residue of the cause shall stand adjourned to the ensuing Court of Equity for Wake county, and shall be therein and thereafter conducted as other causes in equity. If the sale shall not be confirmed, the court shall take such order in the cause, for effecting the sale, as may be agreeable to the rules of Courts of Equity; and the court shall have full power and authority to adjourn the cause from day to day and from time to time, until the sale be made, or the bill be dismissed: And from any order or decree of the court, which may be made in the premises, where appeals are now allowable, an appeal may be taken to the Supreme Court of the State, upon such terms as are usual and prescribed by law.

II. *Be it further enacted*, That the Judge, for performing the extra services hereby required, shall be allowed the sum of ninety dollars.

Sec. III. *Be it further enacted*, That it shall be the duty of the court, at the time of rendering such decree, to name and appoint the Treasurer of the State commissioner to sell said Road and other property, both real and personal, which may be decreed to be sold; and it shall be the duty of said commissioner to advertise the time and place of such sale, for at least 60 days, in one or more of the newspapers, published in each of the cities of Boston, New York, Baltimore, Philadelphia, Richmond, Va., Charleston, S. C., Mobile, Ala., New Orleans, and two of the papers published in Raleigh, setting forth the property proposed to be sold and the terms of sale.

Sec. IV. *Be it further enacted*, That the Governor of the State be, and he is hereby authorised and directed to bid, on the said road and other property decreed to be sold, for and on behalf of the State, a sum not exceeding three hundred thousand dollars and the interest on the bonds executed and endorsed in pursuance of the Act of the General Assembly passed in 1840-'41, entitled "An Act to secure the State against any and every liability incurred for the Raleigh and Gaston Rail Road Company, and for relief of the same."

Sec. V. *Be it further enacted*, That should the Governor of the State, under the preceding section, become the purchaser, for the State, of the road and other property, it shall be the duty of the board of commissioners hereinafter named to appoint a President and other officers necessary to manage and conduct the same for and on behalf of the State, until such time as the State can make some other disposition of the same, which disposition is hereby directed to be made at the earliest day consistent with a due and proper regard for the safety and indemnity of the State; and said Board shall fix the rate of compensation to be allowed to said President and other officers to be appointed by them.

Sec. VI. *Be it further enacted*, That the Governor of the State for the time being, the Treasurer, the Comptroller, the President of the Bank of the State, and the Cashier of the Branch of the Cape Fear Bank at Raleigh, be and they are hereby constituted the Board mentioned in section 4th; and that said Board be, and they are hereby declared a Directory for the management of said Road and its concerns for and on behalf of the State, and that



8 they be allowed three dollars per day, when actually employed  
9 about the same.

Sec. VII. *Be it further enacted*, That should any vacancy hap-  
2 pen in said Board, by death, refusal to act, or otherwise, the same  
3 shall be supplied by a majority of the acting members.

Sec. VIII. *Be it further enacted*, That should the State become  
2 the purchaser of said road and other property sold by decree of Court,  
3 the Governor, by and with the advice and consent of his Council,  
4 shall have full power and authority to sell and convey the same to a-  
5 ny individual, association of individuals, company or companies, for  
6 the most that can be obtained for the same, upon such credits as are  
7 hereinafter specified, in case of sale by the commissioner, and shall  
8 take proper and sufficient securities from the purchaser, to be judg-  
9 ed of by the board aforesaid. And if the Governor shall have of-  
10 fers made for the purchase of the road and property bought as afore-  
11 said by the State which in his opinion ought to be considered, he  
12 shall convene his Council, who shall consider the proposals and de-  
13 cide upon them.

Sec. IX. *Be it further enacted*, That the Governor, if he and his  
2 Council shall deem it advisable, may open books for subscription of  
3 stock, and when the sum of  
4 thousand dollars, shall be subscribed and  
5 paid into the treasury, or be well secured by personal security and  
6 a lien on the shares respectively subscribed, payable in equal in-  
7 stalments, upon a credit of one and two years, with interest, the  
8 subscribers shall be a body corporate.

Sec. X. *Be it further enacted*, That the purchaser or purcha-  
2 sers who may buy at the sale which may be made, either under  
3 decree of Court, or by the Governor and Council, shall be in like  
4 manner a body corporate: And any body corporate by this act  
5 created, shall be such under the name and style of the present com-  
6 pany, and shall hold, use and employ said rail road, with all  
7 its appurtenances, for the residue of the time yet unexpired for  
8 which the present charter was granted by the State, with all the  
9 franchises, privileges, rights and immunities, granted and con-  
10 ferred at any time heretofore by the State, subject in all respects  
11 and in every thing, to all the duties, regulations and penalties  
12 required, prescribed and imposed by any law or laws now in  
13 force respecting the present company: *provided*, that the title  
14 to no part of said property shall pass to the said purchaser, until  
15 the payment of the whole amount of the purchase money; and  
16 said road shall be deemed a common highway.

Sec. XI. *Be it further enacted*, That should any one purchase other than the State, under the decree aforesaid, it shall be the duty of the Governor for the time being, to take from such purchaser bond or bonds, with such surety for the payment of the purchase money, as shall be deemed by him to be amply good and sufficient.

Sec. XII. *Be it further enacted*, That any person injuring said Rail Road, whether owned by the State or any other purchaser or purchasers, shall be subject to the same actions for penalties and damages as are now allowed for injuries to the Road; and said actions shall be sued and prosecuted in the manner now prescribed; and all such acts as are now offences against the State, when done to any part of the Road, shall be offences, when done under the same circumstances, to any part of the road after sale, and shall be indictable and punished in like manner.

Sec. XIII. *Be it further enacted*, That it shall be the duty of the commissioner to make the sale which may be decreed, at the city of Raleigh, and on the following terms, that is, \$25,000 of the purchase money shall be paid on or before six months from the day of sale, and the residue of the purchase money shall be divided into four equal instalments, to be paid at intervals of ten months; the first of said instalments to be paid in sixteen months after the day of sale, and the whole purchase money to bear interest from the day of sale.









## LEGISLATURE OF NORTH CAROLINA

House of Commons, Dec. 27, 1844.

Bill reported by Mr. Fitch, from the Committee on Military Affairs—read first time and passed, and ordered to be printed.

## A BILL

For the better regulation of the Militia of the State of North Carolina.

Sec. I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the commanding officer of any company of militia, in this State, shall and may notify any person or persons liable to do militia duty in his district by any non-commissioned officer of his company; said notice to be either verbal or in writing—and if in writing, leaving such notice at the usual place of residence of the person to be notified, shall be deemed a sufficient notice—and if any non-commissioned officer directed by the commanding officer of any militia company to notify any person of his enrollment as aforesaid, shall fail to do the same, without a sufficient excuse, to be judged of by the company court martial, he shall forfeit for each and every neglect of duty the sum of one dollar, to be collected and applied as militia fines are now collected and applied by law.

Sec. II. Be it further enacted, That so much of the second section of an act, entitled "An Act concerning the militia of this State," chapter seventy-three, Revised Statutes, as exempts from military duty the members of both Houses of Congress, and their respective officers, Counsellors of State, Governor's private Secretaries, Attorney General, Solicitors, the State Printer, Physicians and Surgeons, all inspectors of produce; and so much of the third section of the same act as relates to fire companies, be, and the same is hereby repealed: Provided, however, that this act shall not extend to the members of such fire companies as are exempt from military duty, under any special act of incorporation.

Sec. III. Be it further enacted, That the commanding officer of any militia company of this State, is hereby authorized to en-

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LEGISLATURE OF NORTH CAROLINA.

*House of Commons, Dec. 27, 1844.*

Bill reported by Mr. Ehringhaus, from the Committee on Military Affairs—read first time and passed, and ordered to be printed,

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A BILL

For the better regulation of the Militia of the State of North Carolina.

Sec. I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the commanding officer of any company of militia, in this State, shall and may notify any person or persons liable to do militia duty in his district, by any non-commissioned officer of his company; said notice to be either verbal or in writing—and if in writing, leaving such notice at the usual place of residence of the person to be notified, shall be deemed a sufficient notice—and if any non-commissioned officer, directed by the commanding officer of any militia company, to notify any person of his enrolment as aforesaid, shall fail to do the same, without a sufficient excuse, to be judged of by the company court martial, he shall forfeit for each and every neglect of duty the sum of one dollar, to be collected and applied as militia fines are now collected and applied by law.

Sec. II. *Be it further enacted,* That so much of the second section of an act, entitled “An Act concerning the militia of this State,” chapter seventy-three, Revised Statutes, as exempts from military duty the members of both Houses of Congress, and their respective officers, Counsellors of State, Governor’s private Secretary, Attorney General, Solicitors, the State Printer, Physicians and Surgeons, all inspectors of produce; and so much of the third section of the same act, as relates to fire companies, be, and the same is hereby repealed: *Provided, however,* that this act shall not extend to the members of such fire companies as are exempt from military duty, under any special act of incorporation.

Sec. III. *Be it further enacted,* That the commanding officer of any militia company of this State, is hereby authorized to en-



3 rol as fatigue men or pioneers any free male person of color, be-  
 4 tween the ages of eighteen and forty-five, within his district; and  
 5 that the quartermaster of each regiment shall have authority to  
 6 order out, as many free male persons of color, between the ages  
 7 of eighteen and forty-five (as are within the precincts of his re-  
 8 giment) as he may think proper, and for as many days as he  
 9 may deem necessary, for the purpose of clearing off parade  
 10 grounds for any encampment, regimental or battalion muster;  
 11 and should any free male person of color, when ordered out as  
 12 aforesaid, refuse or neglect to obey such order, unless he has a  
 13 sufficient excuse, to be judged of by the court martial of the  
 14 company or regiment, from whose officer such order has issued,  
 15 in that case he or they shall be fined the sum of two dollars per  
 16 day, for every such neglect or refusal to obey such order; and  
 17 if it shall appear to the satisfaction of the court martial that may  
 18 impose such fine, that such free male person of color, so fined,  
 19 is unable to pay said fine, the presiding officer of the court mar-  
 20 tial which imposed the fine shall direct some proper person to  
 21 hire out, at public hiring, such free person of color, to any person  
 22 who will pay the fine or fines for his services for the shortest  
 23 space of time.

Sec. IV. *Be it further enacted*, That hereafter the commis-  
 2 sioned officers of militia of each company shall be elected and  
 3 chosen by a vote of the majority of the members of such compa-  
 4 ny, which election shall be made known to the commanding offi-  
 5 cer of the regiment to which said company belongs by the  
 6 officer highest in rank in said company; and it shall be the  
 7 duty of the commanding officer of the regiment to make  
 8 the same known to the Governor forthwith, whose duty it shall be  
 9 to issue commissions immediately to fill such selections—The  
 10 commissioned and non-commissioned officers of the militia shall  
 11 reside within the division, brigade, regiment, battalion or compa-  
 12 ny limits, to which they are severally attached: *provided, how-*  
 13 *ever*, that on failure of any company to elect their commissioned  
 14 officers, three months having elapsed after any vacancy may  
 15 occur, then the commanding officer of the regiment shall appoint  
 16 some proper person to fill such vacancy, and shall forthwith  
 17 make the same known to the Governor, whose duty it shall be  
 18 to issue commissions to such appointees.

Sec. V. *Be it further enacted*, That whenever a vacancy  
 2 shall occur in the office of Major General, or Brigadier General,  
 3 by death, resignation, or otherwise, besides the officers to whom

4 the Major Generals and Brigadier Generals are now compelled  
 5 by law to issue orders, for the purpose of holding an election to  
 3 fill such vacancy, they shall also [issue] like orders to the Ge-  
 7 neral Staff and Cavalry Officers, who may reside within the  
 8 respective divisions and brigades, to meet at such time and place  
 9 as the General may designate, and vote to fill the vacancy that  
 10 may have occurred; and the officer highest in rank at such elec-  
 11 tion shall make a return of the same, in like manner as is now  
 12 prescribed by law for the colonels of regiments in such elections.

Sec. VI. *Be it further enacted*, That it shall be the duty of  
 2 the commanding officer of each company of the militia, at such  
 3 time and place within his district as he may deem proper, to  
 4 call together his company at least four times in each year, for  
 5 the purpose of training and drilling the same, under the rules  
 6 and regulations now required by law; and if any such com-  
 7 manding officer shall fail to do his duty as is herein prescribed,  
 8 he shall forfeit and pay the sum of ten dollars for each and ev-  
 9 ery offence, to be adjudged by the next regimental court martial;  
 10 and if any commissioned officer shall absent himself from any  
 11 regimental or company court martial, without a sufficient ex-  
 12 cuse, to be adjudged by the court martial from which he was ab-  
 13 sent, he shall forfeit and pay the sum of five dollars; the afore-  
 14 said fines to be collected and applied as other militia fines are  
 15 now collected and applied by law.

Sec. VII. *Be it further enacted*, That whenever, in any brigade  
 2 of militia, there shall be a sufficient number of companies of cav-  
 3 alry to compose a regiment, said regiment to consist of at least four  
 4 companies, the same shall be formed into a regiment of cavalry.  
 5 There shall be to each regiment of cavalry, one colonel, one lieu-  
 6 tenant-colonel, and one major, to be elected and commissioned  
 7 in like manner as such officers are elected and commissioned in  
 8 the infantry. There shall also be to each regiment of cavalry,  
 9 one adjutant, one quarter-master, one surgeon, and one paymaster,  
 10 each with the rank and pay of a lieutenant, and one surgeon's  
 11 mate, with the rank and pay of a second lieutenant; to be ap-  
 12 pointed and commissioned as is now prescribed by law. The  
 13 commissioned officers of cavalry shall reside within the limits of  
 14 the brigade or battalion to which they are attached.

Sec. VIII. *Be it further enacted*, That the third section of the  
 2 act, entitled "an act for the better regulation of the militia of this  
 3 State," passed at the session of the Legislature in eighteen hun-



4 dred and forty-two and forty-three, chapter fifty-two, be and the  
 5 same is so amended, as to make it the duty of the constable to  
 6 whom process may issue from any court martial sitting under the  
 7 laws of this State, to return said process to the next sitting of the  
 8 court martial from which it issued; and that the penalty of twen-  
 9 ty dollars, therein imposed on such constable for neglect of duty,  
 10 shall be recovered by suit on his official bond, in the name of the  
 11 State, to the use of the presiding officer of the court martial, from  
 12 which the process, in the execution of which the said constable  
 13 has been guilty of neglect, shall have issued.

Sec. IX. *Be it further enacted*, That whenever, hereafter, any  
 2 person shall have served in any volunteer company or companies,  
 3 in this State, for the term of seven years, he shall be exempt from  
 4 military duty, except in cases of invasion or insurrection: the cer-  
 5 tificate of the commanding officer of the company or companies,  
 6 shewing that, in the aggregate, he has served seven years in such  
 7 volunteer company or companies, and approved by the colonel of  
 8 his regiment, shall be sufficient evidence of such service, and en-  
 9 title him to exemption.

Sec. X. *Be it further enacted*, That whenever any member of a  
 2 company of militia, elected or appointed to office, under this or any  
 3 other law of this State, shall refuse to receive his commission  
 4 and qualify, if a commissioned officer, or to accept the office if a  
 5 non-commissioned officer, without a sufficient excuse, to be judg-  
 6 ed of by the regimental court martial, he shall forfeit for such re-  
 7 fusel, if a commissioned officer, the sum of ten dollars, if a non-  
 8 commissioned officer, the sum of five dollars, to be collected and  
 9 applied as other militia fines are. And if for want of an election,  
 10 or refusal of persons to accept offices in the company, any com-  
 11 pany shall be without officers necessary to command it, the com-  
 12 manding officer of the regiment shall attach such company to  
 13 any contiguous company, until he can procure officers for the  
 14 same.

Sec. XI. *Be it further enacted*, That it shall be the duty of the  
 2 commanding officer of each company of militia to make a return,  
 3 in writing, on or before the first day of October, in each year, to  
 4 the commanding officer of his regiment, of the number of times  
 5 which he has paraded his company, and of the amount of fines im-  
 6 posed and collected in the same, which report shall be laid before  
 7 the regimental court martial, by the commanding officer of the re-  
 8 giment; and on failure of such company officer to make such re-

9 turn, without a sufficient excuse, to be judged by the regimental  
10 court martial, he shall forfeit for such neglect the sum of five dol-  
11 lars, to be recovered and applied as other militia fines are by law.

Sec. XII. *Be it further enacted*, That when in any brigade, there  
2 shall not be a regiment of cavalry, the commanding officer of each  
3 corps of cavalry, that may be in said brigade, shall make a report  
4 in writing, of his troop, with a statement of the fines imposed and  
5 collected in his troop, to the Brigadier General of his brigade, in  
6 like manner and under the same penalty, as is prescribed in sec-  
7 tion forty-three, Revised Statutes, chapter seventy-three, for his  
8 return to the commanding officer of his regiment. And any per-  
9 son who may be enrolled in any company of cavalry, shall be sub-  
10 ject to perform all the duties in the infantry, in the district in  
11 which he resides, imposed on the militia, and under the officers  
12 thereof, until such person shall equip himself as a trooper, as is  
13 required by law, and procure a certificate to that effect, from the  
14 commanding officer of the cavalry corps in which he is enrolled,  
15 and produce the same to the commanding officer of the company  
16 of infantry, to which he was attached before his enrolment in the  
17 cavalry.

Sec. XIII. *Be it further enacted*, That the uniform prescribed  
2 for the commissioned officers of the United States Army, at the  
3 *present time*, shall be and the same is hereby adopted as the uni-  
4 form for the commissioned officers of the same rank in the militia  
5 of this State.

Sec. XIV. *Be it further enacted*, That all laws and clauses of  
2 laws coming within the meaning and purview of this act, are  
3 hereby repealed, and that this act shall go into effect from and  
4 after its ratification.

Sec. XI. *Be it further enacted*, That it shall be the duty of the  
2 commanding officer of each company of militia to make a return,  
3 in writing, on or before the first day of October, in each year, to  
4 the commanding officer of his regiment, of the number of times  
5 which he has paraded his company, and of the amount of fines im-  
6 posed and collected in the same, which report shall be laid before  
7 the regimental court martial, by the commanding officer of the re-  
8 giment; and on failure of such company officer to make such re-









## LEGISLATURE OF NORTH CAROLINA.

IN SENATE, DEC. 24, 1844.

## A BILL.

To exempt from indictment the Petersburg Rail Road Company for having obstructed the navigation of Roanoke river near the town of Weldon, by the erection of a bridge across the said river.

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the Petersburg Rail Road Company be, and are hereby exempted and exonerated from presentment or indictment in any of the county or superior courts of this State, for having erected their Rail Road bridge across Roanoke river, near the town of Weldon, whereby the navigation of said river for vessels having masts, has been obstructed from the said bridge to the wharf near the said town of Weldon: Provided always, and 10 this exemption is granted upon the express condition, that the said Petersburg Rail Road Company shall immediately erect the necessary machinery at the most convenient point on the said bridge, where vessels can have easy access to the same, for hoisting and lowering produce; and shall faithfully and promptly, 15 and with no more delay than has usually attended the loading and unloading of vessels at the said wharf, hoist and transport by Rail Road from the said bridge to the town of Weldon, all goods, wares and merchandise, and other commodities which 20 transport from Weldon to the said bridge, and lower to the deck of the vessel ready to receive the same, all goods, wares and merchandise, or other commodities that may be offered, free from any charge or imposition whatever.

II. Be it further enacted, That if the said Petersburg Rail Road Company shall fail, refuse or neglect to hoist from, and 25 lower to, the deck of any vessel at their said bridge ready to deliver or receive the same, and transport on their said rail road, all goods, wares and merchandise, and other commodities as requir-

## LEGISLATURE OF NORTH CAROLINA.

IN SENATE, DEC. 24, 1844.

## A BILL

To exempt from indictment the Petersburg Rail Road Company for having obstructed the navigation of Roanoke river near the town of Weldon, by the erection of a bridge across the said river.

I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the Petersburg Rail Road Company be, and are hereby exempted and exonerated from presentment or indictment in any of the county or superior courts of this State, for having erected their Rail Road bridge across Roanoke river, near the town of Weldon, whereby the navigation of said river for vessels having masts, has been obstructed from the said bridge to the wharf near the said town of Weldon: *Provided always,* and this exemption is granted upon the express condition, that the said Petersburg Rail Road Company shall immediately erect the necessary machinery at the most convenient point on the said bridge, where vessels can have easy access to the same, for hoisting and lowering produce; and shall faithfully and promptly, and with no more delay than has usually attended the loading and unloading of vessels at the said wharf, hoist and transport by Rail Road from the said bridge to the town of Weldon, all goods, wares and merchandise, and other commodities which may arrive at the said bridge in any vessel; and in like manner transport from Weldon to the said bridge, and lower to the deck of the vessel ready to receive the same, all goods, wares and merchandise, or other commodities that may be offered, free from any charge or imposition whatever.

II. *Be it further enacted,* That if the said Petersburg Rail Road Company shall fail, refuse or neglect to hoist from, and lower to, the deck of any vessel at their said bridge ready to deliver or receive the same, and transport on their said rail road, all goods, wares and merchandise, and other commodities as requir-



6 ed by the preceding section; then and in that case, the exemp-  
 7 tion from presentment and indictment contained in the said sec-  
 8 tion, shall cease and determine—and on due proof thereof to  
 9 the satisfaction of the Attorney General, it is hereby made his  
 10 duty to institute legal proceedings against the said Petersburg  
 11 Rail Road Company, by way of indictment or otherwise, to  
 12 cause the obstruction created by the erection of the said bridge,  
 13 to be removed.

III. *Be it further enacted*, That this act shall continue in  
 2 force for two years, and no longer.

6 ed by the preceding section; then and in that case, the exemp-  
 7 tion from presentment and indictment contained in the said sec-  
 8 tion, shall cease and determine—and on due proof thereof to  
 9 the satisfaction of the Attorney General, it is hereby made his  
 10 duty to institute legal proceedings against the said Petersburg  
 11 Rail Road Company, by way of indictment or otherwise, to  
 12 cause the obstruction created by the erection of the said bridge,  
 13 to be removed.

III. Be it further enacted, That this act shall continue in  
 14 force for two years, and no longer.



## LEGISLATURE OF NORTH CAROLINA

IN SENATE, DECEMBER 18, 1861.

## REPORT AND BILL

RELATIVE TO

## THE RESUMPTION OF BONDS

BY THE

WILMINGTON &amp; E. RAIL ROAD COMPANY.

## REPORT.

The Committee on Internal Improvement, to whom has been referred so much of the Governor's Message as relates to the Wilmington and Raleigh Rail Road Company, have had the same under consideration, and have given the subject all the attention its importance demanded. The rail road belonging to this Company, with its depots, engines, cars, steamboats and other property, has cost a sum exceeding two millions of dollars; it is in length one hundred and sixty-two miles; is longer than any other continuous rail road in the United States, and perhaps at this time in the world; and forms an important link in the great Atlantic line of internal communication, between the extreme northern and southern portions of our country. Such a rail road, at all times important, becomes incalculably so in a time of war between this country and a foreign nation, having the command of the ocean by the superiority of her naval force. Through this line of communication, troops could be transported from various points to other points threatened with attack by hostile force, with the greatest facility and despatch; munitions of war could be collected together wherever needed, in the neighborhood of the road, for the public defence, with equal dispatch; and through it the hazards of the State, when cut off from the ocean by the hazards of every other State of the Union. In time of peace, although the ad-

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LEGISLATURE OF NORTH CAROLINA,

IN SENATE, DECEMBER 19, 1844.

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REPORT AND BILL

RELATIVE TO

THE REDEMPTION OF BONDS

BY THE

WILMINGTON & R. RAIL ROAD COMPANY.

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R E P O R T.

The Committee on Internal Improvement, to whom has been referred so much of the Governor's Message as relates to the Wilmington and Raleigh Rail Road Company, have had the same under consideration, and have given the subject all the attention its importance demanded. The rail road belonging to this Company, with its depots, engines, cars, steamboats and other property, has cost a sum exceeding two millions of dollars; it is in length one hundred and sixty-two miles; is longer than any other continuous rail road in the United States, and perhaps at this time in the world; and forms an important link in the great Atlantic line of internal communication, between the extreme northern and southern portions of our country. Such a rail road, at all times important, becomes incalculably so in a time of war between this country and a foreign nation, having the command of the ocean by the superiority of her naval force. Through this line of communication, troops could be transported from various points to other points threatened with attack by a hostile force, with the greatest facility and despatch; munitions of war could be collected together wheresoever needed, in the neighborhood of the road, for the public defence, with equal dispatch; and through it the internal commerce of the State, when cut off from the ocean by the hazards of capture at sea, could be most advantageously carried on, with almost every other State of the Union. In time of peace, although the ad-



advantages may not seem so striking and dazzling, yet they are, nevertheless, deeply interesting and important. It has already become one of the principal lines of travel through the country; the transportation of the products of agriculture, and other articles to and from good markets, has been greatly facilitated and reduced, to the saving of large sums annually to the farmers of the State. In the course of the last fiscal year, ending with the 1st of October, near three hundred thousand dollars have been received by the Company, much the largest portion of which has been expended within the State, to the great benefit of the people; and the saving in the expense of travel and transportation may be safely assumed as very little short of that sum. While these valuable results have been enjoyed by the community at large, the Stockholders who have constructed this most useful and noble work, have not realized one cent of profit on their heavy investments, in the shape of dividends.

These and other considerations which might be urged, leave no doubt in the opinion of the Committee that the Wilmington and Raleigh Rail Road Company have conferred great benefits on the public, and are justly entitled to all the fostering care and assistance of the General Assembly, which can be bestowed, not inconsistent with the public welfare. The capital stock subscribed to the Company being found insufficient to meet the expenses of so great a work, they were driven to the necessity of extending their credit, and borrowing sums of money to make up the deficiency, so as to enable the Company to accomplish their great purpose. From the moment of the completion of the road, the Company had labored under heavy embarrassments, until the spring of last year, when brighter and more auspicious prospects seemed to be opened before them. While the Stockholders were indulging in the pleasing anticipation of speedy relief from the difficulties by which they had been surrounded, the town of Wilmington was visited by a most calamitous fire, which in its progress of destruction extended to the Rail Road Depot, consuming all the buildings, engines, cars, and other property at the place, which had cost more than one hundred thousand dollars. It was indispensably necessary that the Depot should be rebuilt, and more engines and other articles procured, to supply the place of those destroyed by the fire, and that they should be obtained with the utmost promptness. The Committee is informed by the President and Directors of the Company, in their annual report to the Stockholders, that the heavy losses occasioned by the fire, and other misfortunes, have placed it beyond their power to redeem the bonds issued by the Company, for

fifty thousand dollars, payable on the first Monday in January, 1844, and endorsed by the Public Treasurer; and it will be equally out of their power to pay the bonds made payable the first Monday in January of the next year, for the same amount, and also endorsed by the Public Treasurer, under the act, entitled "an act for the relief of the Wilmington and Raleigh Rail Road Company, ratified on the 30th December, 1840. The bonds first above mentioned were redeemed by the Public Treasurer, as required by the said act in default of payment on the part of the Company; and it will be the duty of the present Legislature to make provision for the payment of the bonds amounting to fifty thousand dollars, which will become due on the first Monday in the next month. It has been suggested by the President and Directors of the said Company, and it has occurred to the Committee as the best arrangement that could be made under the circumstances in which we have been placed, to allow the Company to issue new bonds to the amount of fifty thousand dollars, payable the first Monday in January, 1848, and the same amount of bonds payable on the first Monday of January, 1849, to be endorsed by the Public Treasurer, and to carry interest at the rate of six per cent. per annum; the said bonds to be used for the sole and only purpose of redeeming a like amount of bonds now due, and will be due in a few days, which the Company cannot pay. By this operation the State's liability for the Company will not be increased a single dollar, and it will be attended with the beneficial result of returning into the Public Treasury the sum of fifty thousand dollars, now so much needed, which was applied by the Public Treasurer to the redemption of the bonds of the Company, which became due on the first of January last. Believing this to be the best arrangement, and the most convenient that can be now made, the Committee beg leave to submit to the consideration of the Senate the accompanying bill.

A. JOYNER, *Chairman.*

December 16th, 1844.



A BILL

To authorize the Wilmington and Raleigh Rail Road Company to issue Bonds to the amount of one hundred thousand dollars, to redeem a like amount of Bonds issued under the act, entitled "An Act for the relief of the Wilmington and Raleigh Rail Road Company."

I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the Wilmington and Raleigh Rail Road Company, to make their bonds payable to the Public Treasurer of the State of North Carolina, for the sum of one hundred thousand dollars, which bonds shall be signed by the President of said Company, under the seal of the corporation, and made payable for any sum or sums not less than one thousand dollars each, and to carry interest at the rate of six per cent. per annum, which interest is to be paid semi-annually, to wit: on the first Monday in January, and the first Monday in July, in each and every year, until the said bonds shall be redeemed; fifty thousand dollars of which bonds shall be made payable on the first day of January, one thousand eight hundred and forty-eight; and the remaining fifty thousand dollars, shall be made payable on the first day of January, one thousand eight hundred and forty-nine.

II. *Be it further enacted,* That the Public Treasurer of the State be, and he is hereby authorized and directed to endorse on said bonds, as follows: "Pay to \_\_\_\_\_ or order;" and this endorsement shall pledge the State of North Carolina for the payment of the sum in each bond, which endorsement shall be signed by the Public Treasurer in his official capacity, and countersigned by the Comptroller. The Public Treasurer, after endorsing the bonds as before mentioned, shall duly number and register them at large, in a book prepared for that purpose, and which book shall be safely kept in his office.

III. *Be it further enacted,* That the said bonds, so to be made and endorsed, shall be deposited with the Public Treasurer of the State, and by him shall be delivered over to the President and Directors of the said company, whenever the said President and Directors of the said company shall pay to the Public Treasurer of the State, the sum of fifty thousand dollars for that

7 amount of bonds of the said Wilmington and Raleigh Rail Road  
 8 Company, endorsed by the Public Treasurer and made payable  
 9 on the 1st January, 1844, and by him redeemed under the act of  
 10 the 30th December, 1840, entitled "an act for the relief of the  
 11 Wilmington and Raleigh Rail Road Company; and shall further-  
 12 more redeem, satisfy and pay the bonds amounting to fifty thou-  
 13 sand dollars, issued in pursuance of the said act, by the said Wil-  
 14 mington and Raleigh Rail Road Company, endorsed by the Pub-  
 15 lic Treasurer, and made payable on the first day of January,  
 16 1845. And whenever the said bonds for one hundred thousand  
 17 thousand dollars shall be satisfied and paid as required by this  
 18 section, it shall be lawful for the said President and Directors of  
 19 the said Wilmington and Raleigh Rail Road Company, to fill up  
 20 the blank in each endorsement of the bonds authorized by this  
 21 act, with the name or names of the person or persons, or Compa-  
 22 ny or Corporation to whom the same may be sold or transferred;  
 23 and when so filled up, shall be as binding on the State of North  
 24 Carolina, as if the same was done by the public Treasurer at the  
 25 time of making the endorsement as aforesaid. And it shall be the  
 26 duty of the said President and Directors of the said Company,  
 27 to furnish the Public Treasurer with a statement of the name or  
 28 names of the person or persons, Company or Corporation, to  
 29 whom the said Bonds have been transferred or sold, to whom  
 30 payable, and the time of the sale or transfer of the same, to be  
 31 by him registered in the Book to be kept for the registration  
 32 of the said bonds.

IV. *Be it further enacted*, That for the redemption of the  
 2 bonds hereby authorized to be made, and the payment semi-an-  
 3 nually of the interest on the same, at the rate of six per cent. per  
 4 annum, the faith and credit of the State is pledged to the holders  
 5 of said bonds; and on failure of the said President and Directors  
 6 to pay the principal and interest, or either, as it becomes due,  
 7 the Public Treasurer is authorized to pay the same, or any part  
 8 thereof, out of any money in the Treasury at the time.

V. *Be it further enacted*, That the said bonds shall be trans-  
 2 ferable by the holders thereof, or by his, her, or their attorney, in  
 3 a book to be kept by the Public Treasurer for that purpose; and  
 4 in every such transfer the outstanding bond shall be surrendered  
 5 to and called in by the Public Treasurer, and a new bond shall  
 6 be issued for the same amount to the person entitled to the same.

VI. *Be it further enacted*, That whenever the President and



2 Directors of the Wilmington and Raleigh Rail Road Company  
 3 shall make, execute and deliver to the Governor of this State, for  
 4 and in behalf of the State, a deed of mortgage under the seal of  
 5 said Company, wherein and whereby shall be conveyed to the  
 6 said Governor and his successors in office, for the use and bene-  
 7 fit of the State, all the estate, real and personal, belonging to the  
 8 said Wilmington and Raleigh Rail Road Company, or in any  
 9 manner pertaining to the same, conditioned for indemnifying  
 10 and saving harmless the State of North Carolina from the pay-  
 11 ment of the whole or any part of the bonds hereby authorized to  
 12 be made and issued by the President and Directors of the Wil-  
 13 mington and Raleigh Rail Road Company, and endorsed by  
 14 the Public Treasurer; also make, execute, and deliver, under  
 15 the seal of said Company, to the Governor for the use and bene-  
 16 fit of the State, a pledge of so much of the profits of said Com-  
 17 pany, as shall be sufficient to pay semi-annually the interest  
 18 which may accrue on said bonds, until the final payment and  
 19 redemption of the principal of said bonds; which said deed of  
 20 mortgage and pledge shall be approved by the Governor and  
 21 Attorney General of the State; then it shall be the duty of the  
 22 Public Treasurer and he is hereby required to deliver to the  
 23 President and Directors of the Wilmington and Raleigh Rail  
 24 Road Company, the whole of said bonds, which by this act he  
 25 is authorized and required to endorse, taking therefor the receipt  
 26 of the President of said Wilmington and Raleigh Rail Road  
 27 Company.

VII. *Be it further enacted*, That in case of failure by the Presi-  
 2 dent and Directors of the said Wilmington and Raleigh Rail Road  
 3 Company, to pay and discharge, semi-annually, the interest  
 4 which may accrue on the bonds hereby authorized to be made  
 5 and executed, it shall be lawful for the Governor of this State, for  
 6 the time being, to apply, in behalf of the State, to the Superior  
 7 Court of Equity for the county of Wake, for a sequestration of  
 8 the receipts for transportation on said road, and for the appoint-  
 9 ment of a receiver or receivers of said receipts; which court, on  
 10 the proof of the failure to pay such interest, by the President and  
 11 Directors of said Rail Road Company, shall have power to order  
 12 such sequestration and appoint a receiver or receivers accord-  
 13 ingly; and in case of such sequestration and the appointment of  
 14 receiver or receivers, of the profits for transportation on said  
 15 Road, it shall be the duty of such receiver or receivers to apply

16 so much thereof as shall be sufficient to pay the interest on said  
 17 bonds semi-annually, and to pay the excess to the President and  
 18 Directors of said Wilmington and Raleigh Rail Road Company.

VIII. *Be it further enacted*, That in case of failure of the  
 2 President and Directors of the said Wilmington and Raleigh  
 3 Rail Road Company to pay off and redeem the principal of the  
 4 said bonds, at such times and in such amounts as may be pre-  
 5 scribed and directed by act of the General Assembly, then it  
 6 shall be the duty of the Governor of this State, for the time be-  
 7 ing, to cause the mortgage made and executed by the President  
 8 and Directors of the said Wilmington and Raleigh Rail Road  
 9 Company to be foreclosed in the Superior Court of Equity for  
 10 Wake county; which court is hereby authorized and empowered  
 11 to take jurisdiction of the same; and on the decree of foreclosure  
 12 being made by said court, it shall be the further duty of the Go-  
 13 vernor of the State to cause the whole estate, real and personal,  
 14 so conveyed by mortgage, to be sold at such times and in such  
 15 ways, as shall most effectually protect and save harmless the  
 16 State against any loss or damage by reason of its liability for the  
 17 payment of said bonds or any part thereof; and out of the pro-  
 18 ceeds of such sale or sales, to pay off and redeem the whole  
 19 amount of the principal of said bonds, and to pay the excess to  
 20 the President and Directors of said Company.

IX. *Be it further enacted*, That if in case the President and  
 2 Directors of said Company should fail to apply the proceeds and  
 3 income of said Road according to the above section of this act,  
 4 then and in that case it shall be the duty of the Governor of the  
 5 State, for the time being, to compel their compliance according to  
 6 the manner prescribed in the seventh section of this act, to en-  
 7 force the payment of the interest of debt herein created.



## LEGISLATURE OF NORTH CAROLINA.

IN HOUSE OF COMMONS, DEC. 18, 1841.

## A BILL

## Concerning the writ of Replevin.

Whereas doubts exist whether the owner of property can maintain a writ of replevin at common law against a Sheriff and others executing process and seizing said property under his process:

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That whenever a Sheriff or other officer to whom a distress shall be directed, shall execute the same by taking possession of any personal estate, it shall be lawful for any person claiming the property other than the defendant in such distress, to have his writ of replevin against said Sheriff or other officer; and said writ shall be sued out and prosecuted as other writs of Replevin at common law; provided, however, that the party replevying such property or his agent, shall make oath that the title of said property is in him, and state its value on oath, and shall further execute, at the time of obtaining said writ, a bond, with good security, in double the amount of the sworn value of the property, payable to the plaintiff in the execution, and conditioned to prosecute his writ with effect, and to abide by and perform the judgment of the Court in case the same shall pass against him.

II. Be it further enacted, That if upon the trial of the issues in the said action of replevin, the plaintiff shall recover, the jury shall assess his damages for the taking and detention, and the Court shall render judgment accordingly. And if the defendant shall recover, the jury in like manner shall assess the value of the property replevied as aforesaid and the damages, and the Court shall render judgment for said value and damages, which may be discharged by return of the proper

LEGISLATURE OF NORTH CAROLINA.

IN HOUSE OF COMMONS, DEC. 18, 1844.

A BILL

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Whereas doubts exist whether the owner of property can  
2 maintain a writ of replevin at common law against a Sheriff  
3 and others executing process and seizing said property under  
4 his process:

*Be it enacted by the General Assembly of the State*  
2 *of North Carolina, and it is hereby enacted by the authority*  
3 *of the same, That whenever a Sheriff or other officer to whom*  
4 *a distringas shall be directed, shall execute the same by ta-*  
5 *king possession of any personal estate, it shall be lawful for*  
6 *any person claiming the property other than the defendant in*  
7 *such distringas, to have his writ of replevin against said Sher-*  
8 *iff or other officer ; and said writ shall be sued out and prose-*  
9 *cuted as other writs of Replevin at common law; provided,*  
10 *however, that the party replevying such property, or his agent,*  
11 *shall make oath that the title of said property is in him, and*  
12 *state its value on oath, and shall further execute, at the time*  
13 *of obtaining said writ, a bond, with good security, in double*  
14 *the amount of the sworn value of the property, payable to*  
15 *the plaintiff in the execution, and conditioned to prosecute his*  
16 *writ with effect, and to abide by and perform the judgment of*  
17 *the Court in case the same shall pass against him.*

II. *Be it further enacted, That if, upon the trial of the is-*  
2 *sues in the said action of replevin, the plaintiff shall recover,*  
3 *the jury shall assess his damages for the taking and detention,*  
4 *and the Court shall render judgment accordingly. And if*  
5 *the defendant shall recover, the jury in like manner shall as-*  
6 *sess the value of the property replevied as aforesaid and the*  
7 *damages, and the Court shall render judgment for said value*  
8 *and damages, which may be discharged by return of the proper-*



9 ty and payment of the damages and costs; and such judgment  
10 shall be rendered as well against the surety in the replevin  
11 bond as against the defendant.

Sec. III. Nothing in this Act contained shall be construed  
2 to affect the proceeding in replevin for slaves as provided for  
3 by Statute.

3 by and payment of the damages and costs; and such judgment  
 10 shall be rendered as well against the surety in the replevin  
 11 bond as against the defendant.  
 Sec. III. Nothing in this Act contained shall be construed  
 2 to affect the proceeding in replevin for slaves as provided for  
 3 by Statute.



## LEGISLATURE OF NORTH CAROLINA

IN HOUSE OF COMMONS, Dec. 18, 1844.

## A BILL

In addition to the Revised Statute, entitled "Wills and Testaments,"  
to amend the same and to repeal part of the 15th section of the  
Revised Statute, entitled "Lands of deceased debtors."

Be it enacted by the General Assembly of the State of North  
Carolina, and it is hereby enacted by the authority of the same,  
That it shall be lawful for any testator or testatrix, by his or her  
will duly executed, to devise, bequeath or dispose of all real and  
all personal estate which he or she shall be entitled to, either at  
law or in equity, at the time of his or her death, and which, if not  
so devised, bequeathed or disposed of, would descend or devolve  
upon his or her heirs or heirs at law or upon his or her executor  
or administrator: And that the power hereby given shall extend  
to all contingent, executory or other future interest in any real  
or personal estate, whether the testator or testatrix may or may  
not be ascertained as the person or one of the persons in whom  
the same respectively may become vested, or whether he or she  
may be entitled thereto under the instrument by which the same  
were created or under any disposition thereof, by deed or will;  
and also to all rights of entry for condition broken and other rights  
of entry, and also to such of the same estates, interests and rights  
respectively, and other real and personal estate, as the testator or  
testatrix may be entitled to at the time of his or her death, not  
withstanding that he or she may become entitled to the same  
subsequently to the execution of his or her will.

II. Be it further enacted, That if any person who shall attest  
the execution of a will, shall, at the time of the execution thereof,  
or at any time afterwards, be incompetent to be admitted a witness  
to prove the execution thereof, such will shall not on that account  
be invalid.

III. Be it further enacted, That no will or codicil or any  
part thereof which shall be in any manner revoked, shall be re-

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LEGISLATURE OF NORTH CAROLINA.

IN HOUSE OF COMMONS, DEC. 18, 1844.

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A BILL

In addition to the Revised Statute, entitled "Wills and Testaments,"  
to amend the same and to repeal part of the 15th section of the  
Revised Statute, entitled "Lands of deceased debtors."

*Be it enacted by the General Assembly of the State of North*  
2 *Carolina, and it is hereby enacted by the authority of the same,*  
3 That it shall be lawful for any testator or testatrix, by his or her  
4 will duly executed, to devise, bequeath or dispose of, all real and  
5 all personal estate which he or she shall be entitled to, either at  
6 law or in equity, at the time of his or her death, and which, if not  
7 so devised, bequeathed or disposed of, would descend or devolve  
8 upon his or her heirs or heir at law or upon his or her executor  
9 or administrator: And that the power hereby given shall extend  
10 to all contingent, executory or other future interest in any real  
11 or personal estate, whether the testator or testatrix may or may  
12 not be ascertained as the person or one of the persons in whom  
13 the same respectively may become vested, or whether he or she  
14 may be entitled thereto under the instrument by which the same  
15 were created or under any disposition thereof, by deed or will;  
16 and also to all rights of entry for condition broken and other rights  
17 of entry, and also to such of the same estates, interests and rights  
18 respectively, and other real and personal estate, as the testator or  
19 testatrix may be entitled to at the time of his or her death, not-  
20 withstanding that he or she may become entitled to the same  
21 subsequently to the execution of his or her will.

II. *Be it further enacted,* That if any person who shall attest  
2 the execution of a will, shall, at the time of the execution thereof,  
3 or at any time afterwards, be incompetent to be admitted a witness  
4 to prove the execution thereof, such will shall not on that account  
5 be invalid.

III. *Be it further enacted,* That no will or codicil or any  
2 part thereof which shall be in any manner revoked, shall be re-



3 vived otherwise than by the re execution thereof, or by a codicil  
4 duly executed and shewing an intention to revive the same.

1V. *Be it further enacted*, That no conveyance or other act  
2 made or done subsequently to the execution of a will of, or rela-  
3 ting to any real or personal estate therein comprised, except an  
4 act by which such will shall be duly revoked, shall prevent the  
5 the operation of the will with respect to such estate or interest in  
6 such real or personal estate as the testator or testatrix shall have  
7 power to dispose of by will at the time of his or her death.

V. *Be it further enacted*, That every will shall be construed  
2 with reference to the real and personal estate comprised in it, to  
3 speak and take effect as if it had been executed immediately  
4 before the death of the testator or testatrix, unless a contrary in-  
5 tention shall appear by the will.

VI. *Be it further enacted*, That unless a contrary intention  
2 shall appear by the will, such real estate, or interest therein, as  
3 shall be comprised or intended to be comprised in any devise in  
4 such will contained, which shall fail or be void by reason of the  
5 death of the devisee in the lifetime of the testator, or by reason of  
6 such devise being contrary to law or otherwise incapable of taking  
7 effect, shall be included in the residuary devise (if any) contained  
8 i nsuch will.

VII. *Be it further enacted*, That a general devise of the real  
2 estate of the testator or testatrix, or of his or her real estate, in  
3 any place, or in the occupation of any person mentioned in the  
4 will, or otherwise described in a general manner, shall be con-  
5 strued to include any real estate, or any real estate to which such  
6 description shall extend (as the case may be) which he or she  
7 may have power to appoint in any manner he or she may think  
8 proper, and shall operate as an execution of such power, unless  
9 a contrary intention shall appear by the will; and in like manner  
10 a bequest of the personal estate of the testator or testatrix, or  
11 any bequest of personal property described in a general manner,  
12 shall be construed to include any personal estate, or any personal  
13 estate to which such description shall extend (as the case may be)  
14 which he or she may have power to appoint in any manner he or  
15 she may think proper, and shall operate as an execution of such  
16 power, unless a contrary intention shall appear by the will.

VIII. *Be it further enacted*, That no will made by any per-  
2 son under the age of twenty-one years shall be valid.

IX. *Be it further enacted*, That where any will made by a

2 citizen of any other State or country shall have been or shall be  
 3 duly proved and allowed, in such State or country according to  
 4 the laws thereof, a copy or exemplification of such will, duly  
 5 certified and authenticated, when produced and established be-  
 6 fore the Court of Pleas and Quarter Sessions of any county in  
 7 this State where may be any property of the deceased, shall be by  
 8 such court allowed, filed and recorded; and letters testamentary  
 9 or of administration, as the case may require, shall be issued, and  
 10 other proceedings be thereupon had, and the like effect given to  
 11 the said will as if the original, instead of the said copy, had been  
 12 produced and allowed in the said court: *Provided*, that when  
 13 such will shall contain any devise of, charge upon, or power con-  
 14 cerning any real estate situate in this State, such devise, charge  
 15 or power shall not have any validity or operation, unless the said  
 16 will shall have been executed according to the law of this State  
 17 in that behalf; and the court in which the same may be exhibit-  
 18 ed shall have power to issue commissions for taking proofs  
 19 touching the execution thereof, to make up an issue touch-  
 20 ing such devise, charge or power, to examine witnesses and to  
 21 take all the proceedings thereupon, according to the law and  
 22 course of the court in like cases.

X. *Be it further enacted*, That where a will made by any  
 2 citizen of this State shall have been or shall be proved and al-  
 3 lowed in some other State or country, and the original will can-  
 4 not be removed from its place of legal deposit in such other State  
 5 or country into this State for probate, it shall and may be lawful  
 6 for the Court of Pleas and Quarter Sessions of the county in this  
 7 State having cognizance thereof, upon a duly certified copy or  
 8 exemplification of such will being propounded for probate, to  
 9 take all and every order and proceeding for the proving, allow-  
 10 ing and recording the said copy, as by law might be had or taken  
 11 upon the production of the original; and the said copy being in  
 12 such court duly proved, allowed and recorded, according to the  
 13 course of the court, shall have the same legal effect and opera-  
 14 tion to all intents and purposes as if the original had been pro-  
 15 duced, proved, allowed and recorded.

XI. *Be it further enacted*, That where any married woman un-  
 2 der any will, deed, settlement or articles shall have power by an  
 3 instrument in nature of a will, to appoint or dispose of any pro-  
 4 perty, real or personal, and she shall have executed or shall exe-  
 5 cute any such instrument, the same may be admitted to probate



6 in the proper court of Pleas and Quarter Sessions, or may be pro-  
 7 ved originally in a Court of Equity, upon a proper bill for that  
 8 purpose, and either mode of probate shall be conclusive as to the  
 9 due execution thereof.

XII. *Be it further enacted*, That no appointment made by  
 2 will in exercise of any power shall be valid, unless the same be  
 3 executed in the manner by law required for the execution of  
 4 wills; and every will executed in such manner shall, so far as  
 5 respects the execution and attestation thereof, be a valid execution  
 6 of a power of appointment by wills, notwithstanding that it shall  
 7 have been expressly required that a will made in exercise of such  
 8 power should be executed with some additional or other form of  
 9 execution or solemnity.

XIII. *Be it further enacted*, That every will made by a man  
 2 or woman shall be revoked by his or her marriage, except a will  
 3 made in exercise of a power of appointment when the real or  
 4 personal estate thereby appointed would not in default of such  
 5 appointment pass to his or her heir, executor, administrator, or  
 6 the person entitled as his or her next of kin under the Statute of  
 7 Limitations.

XIV. *Be it further enacted*, That no will shall be revoked  
 2 by any presumption of an intention on the ground of an alteration  
 3 in circumstances.

LEGISLATURE OF NORTH CAROLINA,

IN HOUSE OF COMMONS, DEC. 16, 1844.

REPORT AND BILL

TO AUTHORISE

THE FORECLOSURE OF THE MORTGAGE

OF THE

RALEIGH AND GASTON RAIL ROAD.

REPORT.

The Select Committee to whom was referred so much of the Governor's Message as relates to Rail Roads, ask leave to report upon that part of the same which relates to the Raleigh & Gaston Rail Road, and its financial connexion with the State.

Your committee have had the subject under consideration, and given to it all that care and attention which a subject of so much importance both to the State and the Company, requires. They are frank to confess, that the subject is involved in many difficulties in any and every aspect in which they have been able to view it, and report now, more with the purpose of bringing the subject to the consideration of the House, than any wish that their recommendation may be adopted. The road was constructed at a cost of about \$1,500,000, while the stock paid in was only about \$650,000, leaving a large balance of the cost of construction a debt against the corporation. In 1838 the Company applied to the Legislature to endorse their bonds for the sum of \$500,000, to enable them to complete the road, purchase engines &c., and an Act was passed at the Session of 1838 '39, entitled "An Act for the relief of the Raleigh & Gaston Rail Road Co.," by which act the State agreed to endorse the bonds of said Company for the sum of \$500,000, and as an indemnity the Company were to mortgage the road and all their other



corporate property to the State, and the private property of the stock holders was also to be bound as a further indemnity to secure the State against any loss, in the event the mortgage upon the road and other property should prove insufficient; which mortgage was accordingly executed by the company in pursuance of the provisions of said act.

At the meeting of the next General Assembly in 1840 the Company applied to the State for further aid; but doubts were entertained by many, whether the Company had complied with the provisions of the Act of 1838 '39 "for the relief of the Raleigh & Gaston Rail Road Company," so far as making the private property of the stockholders liable.

So far as your Committee have been able to learn no dishonesty of purpose, or intention to commit a wrong, is justly chargeable upon any of the officers of the State or the Company who executed the provisions of that Act. The difficulty seems to have been owing to the fact, that at the meeting of the stockholders of the said Company to accept the provisions of the Act, no record was made of those Stockholders who were present and gave their assent to the same. As the record of their act failed to show that all of the Stockholders were present, differences of opinion were entertained, whether a majority of the Stockholders could give an assent which would be binding upon the private property of other corporators, who were not present and who had not given any authority to others to act for them. Your committee do not express any opinion upon this point, nor do they conceive that there is any necessity that they should.

The Legislature of 1840 '41, passed another act, entitled "an Act to secure the State against any and every liability incurred for the Raleigh & Gaston Rail Road Company, and for the relief of the same." Your Committee are of opinion, from the provisions of this Act, as well as its title, that the object of the Legislature in passing this Act, was more effectually to secure the State against any loss upon the bonds of 500,000 dollars endorsed by the act of 1838-'39, and to give further aid to the road. To effect both these objects, so desirable to the State, provision was made by the act that the Public Treasurer should endorse the bonds of said company for 300,000 dollars; but before any of the *said bonds*, thus endorsed, should be delivered to the President and Directors of said Company, "the stockholders in the same, holding at least three-fourths of its stock, or, on failure of any of the stockholders, a sufficient number of other solvent persons who may subscribe in such sums as

3  
 corporate property to the State, and the private property of the stockholders was also to be bound as a further indemnity to secure the  
 "they may think proper, so as to amount in all to the sum of 500,000  
 "dollars, shall enter into a bond, payable to the State of North Caro-  
 "lina, covenanting and binding each one of the obligors therein, sev-  
 "erally, to pay and satisfy to the said State, a part proportionate to  
 "the number of shares of each one's stock, and to the sums so sub-  
 "scribed, in any loss or damage that may come to the State, in con-  
 "sequence of the endorsement, by the State, of the *bonds for five*  
 "*hundred thousand dollars*, under the act of one thousand eight  
 "hundred and thirty-eight and one thousand eight hundred and  
 "thirty-nine, entitled 'an act for the relief of the Raleigh and Gas-  
 "ton Rail Road Company,' and insufficiency of the real and person-  
 "al estate and property of said company to discharge the same."

It was further provided by the 9th section of said act, that the President and Directors of said Rail Road Company should make, execute and deliver to the Governor of this State, for and on behalf of the State, a deed of mortgage, under the seal of the corporation, of all the estate, real and personal, belonging to the Raleigh and Gaston Rail Road Company, conditioned for indemnifying and saving harmless the State of North Carolina from the payment of the whole or any part of the bonds *hereby* authorized, &c., that is, of the bonds authorized to be endorsed by the act of 1840 '41; and the same section of the act further provides that "when the bond provided for by the 6th section of this act shall have been filed with the Public Treasurer, then and not before, it shall be the duty of the Public Treasurer, and he is required to deliver to the President and Directors of the Raleigh and Gaston Rail Road Company the whole of said bonds, which by *this* act he is authorized and required to endorse."

It is very evident to your committee, from the construction of this act of 1840 '41, the Legislature intended that the bonds, required of the Stockholders or other subscribers for the sum of \$500,000, were intended to secure the bonds of that amount endorsed by authority of the act of 1838 '39, and the mortgage required to be given by the 9th section of the act of 1840 '41 was to secure the bonds of \$300,000 authorized to be endorsed by the act of that session.

Bonds of Stockholders and other subscribers to the amount of \$500,000 were accordingly filed with the Public Treasurer, and a mortgage executed and delivered to the Governor of the State in pursuance of the requirements of said act. But your committee re-



gret to learn that the Stockholders of said Company and other subscribers, who have executed these bonds, place a different construction upon the two acts, and particularly, that they insist that the mortgage taken under the act of 1840 '41 conveys nothing but an equity—that the mortgage of 1838 '39 is still in force, and upon a foreclosure, the proceeds are to be applied to the payment of the bonds of \$500,000, and that that they are bound to the State on their private bonds only for the deficiency that may remain after such application. Your committee cannot agree to this construction; but if it be the proper construction of said acts, the State is without any security for the \$300,000 endorsed in 1840 '41.

Your committee report further, that the receipts of the said Raleigh and Gaston Rail Road have not been sufficient, after paying current expenses, repairs of road &c., to pay any part of the principal and but a small portion of the interest on said bonds. They find, from the report of the Public Treasurer, submitted to the present General Assembly, that he has already paid the sum of \$90,374 interest on the Raleigh and Gaston Rail Road bonds, and that there will fall due on the 1st January next, (principal) \$30,000

And on the same bonds, for interest, 23,565

Making, together, the sum of \$53,565

And for int. on 1st July, 1845, 22,665

Same for int. 1st Jan'y, 1846, 22,665

Same for principal same time, 30,000

For interest 1st July, 1846, 21,765

Total, \$150,660

Which will fall due and for which provision must be made before the meeting of the next General Assembly.

Your committee further learn from the Report of the President of the Raleigh and Gaston Rail Road Company, submitted to the present General Assembly, that the receipts of the last eighteen months exceed the expenditures only by the sum of about seven thousand dollars; so that the present Legislature must provide the ways and means to meet the above sum of \$53,565 on the 1st day of January next.

In view of this unfortunate state of the affairs of the company and the large amount for which the State is liable as surety, it has been a subject of much solicitude and anxiety to your committee to recommend, if possible, some plan to protect the State as far as the same can be done, and at the same time to prevent a sacrifice

of the interest of the Stock Holders; and much as your committee regret the loss of those individuals, who have contributed freely from their private resources, some to their utter ruin, in constructing a public improvement in the State, an improvement which is greatly beneficial to a large portion of the State and particularly to its Capital, they have been unable to devise any plan or to have any suggested that can accomplish these desirable results. Although our feelings and sympathies may be, and are enlisted on the part of those who are likely to suffer and must suffer by their investment in this work, in the present condition of our finances, we cannot feel ourselves at liberty to extend that help which our sympathies might prompt us to do. Your committee have held a conference with a committee of the Rail Road Company to hear any views or suggestions that they might make, for the purpose of relieving the State and the Stock-holders of the company from their present embarrassing situation; but they have proposed none, which your committee could recommend for the adoption of the Legislature. Your committee are, therefore, forced to the conclusion, that the only alternative left the General Assembly is to direct a foreclosure of the mortgage in pursuance of the act in that case made and provided.

Your committee deem it but fair and proper that they should bring to the consideration of the House, the suggestions submitted by the committee of the Rail Road Company. It was not submitted in writing, and your committee can only state it here, according to their understanding of it. They state that the capital stock of the company and its debts for which the State are liable, amount to the sum of \$1,500,000. They propose to scale the stock down to \$800,000: Let the State take \$400,000 and the Company \$400,000. This would leave \$400,000 of the debt for which the State is liable unprovided for; and as a security for this, let the State take a mortgage on the Road and all the other property, both real and personal, belonging to the Company. Your committee could not adopt this suggestion, as they understand it requires the State to give up the bonds and other liens which it now holds. Your committee still hope that some other plan may be proposed and adopted better calculated to protect both the State and stock-holders, than the one they propose, tho' no other has occurred to them; and they therefore recommend the passage of the following bill.

WM. W. CHERRY, C. R. R. C.



AN ACT

To authorise the foreclosure of the mortgage of the Raleigh and Gaston Rail Road.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,*  
That it shall be the duty of the Governor of this State to cause the mortgage made and executed by the President and Directors of the Raleigh and Gaston Rail Road Company, to be foreclosed in the Superior Court of Equity for the county of Wake at its next Term, in April, 1845.

Sec. II. *Be it further enacted,* That it shall be the duty of the Governor to advertise the sale of said Rail Road and other property, both real and personal, for at least 20 days before the day of sale, in one or more of the Newspapers published in each of the cities of Boston, New York, Philadelphia, Baltimore, Richmond, Va., Charleston, S. C., Mobile, Ala., New Orleans, and in the papers published in the City of Raleigh, setting forth the terms of sale.

Sec. III. *Be it further enacted,* That the Governor of the State be, and he is hereby authorised and directed to bid, on the said road and other property hereby authorised to be sold, for and on behalf of the State, a sum sufficient to cover the sum of \$300,000 and interest on the bonds executed and endorsed in pursuance of the Act of the General Assembly, passed in 1840 '41, entitled "An Act to secure the State against any and every liability incurred for the Raleigh and Gaston Rail Road Company and for relief of the same."

Sec. IV. *Be it further enacted,* That should the Governor of the State, under the preceding section, become the purchaser of the said road and other property, for the State, it shall be the duty of the Governor and the Board of Commissioners hereinafter named, to appoint a President and other officers necessary to manage and conduct the same for and on behalf of the State, until such time as the State can make some other disposition of the same, or until the meeting of the next General Assembly.

Sec. V. *Be it further enacted,* That the Governor of the State for the time being, the Treasurer, the Comptroller, the President of the Bank of the State, and the President of the Bank of the Cape Fear Bank in Raleigh, be, and they are hereby constituted a Board, for the purpose of appointing a President of said

6 road, and such other officers as they may deem necessary to  
7 manage and conduct said Rail Road for and on behalf of the  
8 State, if the State should become the purchaser of the same, and  
9 that said Board fix the rate of compensation to be paid to said  
10 President and other officers appointed by virtue of this act.

Sec. VI. *Be it further enacted*, That the President appointed  
2 under the 5th section of this act, be, and he is hereby vested with  
3 the same powers in the management of said road as the Presi-  
4 dent of the Raleigh and Gaston Rail Road Company exercised,  
5 before the sale of the road.

Sec. VII. *Be it further enacted*, That the Board appointed by  
2 virtue of the 5th section of this act, be, and they are hereby ap-  
3 pointed a Directory for the management of said road and its con-  
4 cerns for and on behalf of the State, and that they be allowed  
5 \$                      as a compensation for their services.

Sec. VIII. *Be it further enacted*, Should any vacancy hap-  
2 pen by death or refusal to act of any of the Board hereby appoint-  
3 ed, the majority of the Board may supply such vacancy; *provid-*  
4 *ed always*, that the Governor of the State, for the time being,  
5 shall constitute one of said majority.

Sec. IX. *Be it further enacted*, That should the State be-  
2 come the purchaser of said road and other property, under the  
3 provisions of this act, the Board hereby constituted shall have  
4 full power and authority to sell and convey the same to any indi-  
5 vidual, association of individuals, company or companies, at any  
6 time, for the most that can be obtained for the same, upon the  
7 same credits as are hereinafter directed for the sale of said road  
8 and other property, and take proper and sufficient securities from  
9 the purchaser or purchasers, to be judged of by said Board, and  
10 to make title and grant all the franchises that were granted to the  
11 Raleigh and Gaston Rail Road Company under their charter of  
12 incorporation: *Provided always*, that said Board shall not sell  
13 for a less sum than the Governor is directed to bid for the State  
14 under the 3rd section of this act.

Sec. X. *Be it further enacted*, That it shall be the duty of  
2 the Governor of the State, for the time being, to take from the  
3 purchaser or purchasers of said road and other property, bonds,  
4 with such security for the payment of the purchase money, as  
5 shall be deemed good and sufficient by  
6 *provided* any other person or persons, company or companies,  
7 should be the purchaser besides the State.



Sec. XI. *Be it further enacted*, That upon the purchaser or  
 2 purchasers, executing the proper security required by this act for  
 3 the payment of the purchase money, it shall be the duty of the  
 4 Governor of the State, for the time being, and he is hereby au-  
 5 thorised and empowered to execute to such purchaser or purcha-  
 6 sers a legal title to said road and other property, both real and per-  
 7 sonal, with all the rights, privileges, immunities and franchises  
 8 that were held, used, exercised or enjoyed by the Raleigh and  
 9 Gaston Rail Road Company, under their charter of incorporation,  
 10 and free and clear from all the mortgages, liens or claims which  
 11 the State of North Carolina may have had upon the same.

Sec. XII. *Be it further enacted*, That it shall be the duty of  
 2 the Governor, when the sale herein directed takes place, to order  
 3 and direct the same to be on the following terms, viz: Twenty-  
 4 five thousand dollars of the purchase money to be paid on the  
 5 1st July, 1845, and other payments to be made so as to meet  
 6 the principal and interest on the Raleigh and Gaston Rail Road  
 7 bonds, for which the State is liable as surety, as they may respec-  
 8 tively fall due; and for any excess of sale above that amount, the  
 9 same shall be on a credit of one, two and three years.

No. 2

## LEGISLATURE OF NORTH CAROLINA.

IN SENATE, DEC. 14, 1844.

## A BILL

To amend an act, passed January, 1841, entitled "an act to secure the State against any and every liability incurred for the Raleigh and Gaston Rail Road Company, and for the relief of the same."

Whereas, by documents laid before the Senate, it appears that the act, passed January, 1841, entitled "an act to secure the State against any and every liability incurred for the Raleigh and Gaston [Rail Road] Company, and for the relief of the same," has been executed in such a manner, that a doubt may arise as to the meaning of the Legislature, whereby the State may eventually sustain losses never contemplated, without adequate security :

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the Governor of the State be directed, at the next renewal of the bonds required to be given by the sixth section of said act of Jan'y 12th, 1841, to require the several obligors to execute bonds in conformity with the provisions of said act; and in case any obligor or obligors shall refuse so to do, he is hereby directed to take such legal proceedings as may best secure the interest of the State.

II. *And be it further enacted,* That it was the intention and meaning of said act of 1841, that all the real and personal estate of said Raleigh and Gaston Rail Road Company should be held by the State as a security first to discharge all the responsibilities the State had incurred under said act, and the surplus, if any, should be then appropriated to discharge the liabilities the State had incurred under the previous act of 1838-'39.









LEGISLATURE OF NORTH CAROLINA

DECEMBER, 14, 1844.

R E P O R T

OF THE

JOINT SELECT COMMITTEE

UPON THE SUBJECT OF THE

INSOLVENCY OF RALEIGH & GASTON RAIL ROAD CO.

The Joint Select Committee upon the subject of the Insolvency of the Raleigh and Gaston Rail Road Company, have had the same under consideration, and ask leave to report:

They find from the report of the Public Treasurer, communicated to the present General Assembly, that the State has already paid large sums of interest on the Raleigh and Gaston Rail Road bonds; and that the sum of \$30,000 (thirty thousand dollars) of principal, and \$23,565 (twenty three thousand five hundred and sixty five dollars,) of interest for which the State is liable by its endorsements of the bonds of said Company, will fall due on the 1st. January next; and from the report of the President of said Company, communicated to the present General Assembly, the company will not be prepared to pay the same. Your committee report further, that they held a conference with a committee from the said Raleigh and Gaston Rail Road Company, from whom they learn that the company will be utterly unable to meet their liabilities without further aid from the State. The committee of said company further admit that the Raleigh and Gaston Rail Road Company is unable to meet its liabilities, and insolvent. Your committee, therefore, recommend the adoption of the following resolution, and ask to be discharged from the further consideration of the subject:

*Resolved by the General Assembly of the State of North Carolina,* That the Raleigh and Gaston Rail Road Company, being unable to pay the amount for which the State is liable, is insolvent.

WM. W. CHERRY,

Chairman.

LEGISLATURE OF NORTH CAROLINA.

IN THE HOUSE OF COMMONS, DECEMBER 11, 1844.

REPORT AND BILL

ON

LOCATING THE JUDGES OF THE SUPERIOR COURTS.

[Made the order of the day for Tuesday, the 17th inst.]

REPORT.

The committee on the Judiciary, to whom was referred a bill, entitled "A Bill to locate the residence of Judges of the Superior Courts hereafter to be elected," have had the same under consideration, and beg leave to report that the great object of the proposed law is to place a Judge of the Superior Courts, by means of elections which may *hereafter* occur, within each Judicial Circuit in the State. It is not proposed to interfere with the Judges *already* elected. As to them, the right of selecting their residence after election, in any part of the State, might have constituted a strong inducement with them to accept the office: such right was not restricted at the time of election, and your committee would not deprive them of its exercise, especially, as to do so might involve great pecuniary sacrifice, or constrain them to resign their offices. But while they decline, for these reasons, to make the law retrospective, they are very sensible of the existence of much inconvenience to many portions of the State, caused by the distant residence of the Judges from such portions. These Judges, together with those of the Supreme Court, are vested with many judicial powers to be exercised in vacation; such generally as demand immediate application, in order to render relief effectual. Applications for writs of *mandamus*, *recordari*, *certiorari*, *injunctions* and *habeas corpus*, must all be made to a Judge, and are of very common occurrence during vacation; and, moreover, are accorded to the citizen as a matter of right. Whatever, then, tends to place them out of his reach, or greatly to embarrass his attainment of them, without some high and overruling necessity, amounts to a par-



tial and unjust denial of the equal benefits of a judiciary system intended for the common good, and supported out of the common purse. It is certain, that, at this time, many parts of the State, owing to the expense, trouble and delay of obtaining these writs, or some of them, are greatly injured and delayed of that justice which is of common right; and your committee will enquire what sufficient excuse exists for the perpetual continuance of a hardship now loudly complained of? The bill, if enacted into a law, would, in all probability, remove in a few years the worst features of the evil, by selecting, in the earliest elections, Judges for those districts which are furthest removed from resident Judges. This seems to be admitted, so far as concerns the convenience resulting from the mere residence of Judges; but it is alleged that such location of residence, as proposed, would lower the character of the judiciary, by limiting the space for selection. If such, to any considerable extent, would be the consequence of the measure, it would, indeed, be a deplorable result—a result, however, easily to be remedied by a repeal of the law, whenever experience shall demonstrate its impropriety. But it is submitted that such a consequence would not follow. The bill does not confine the selection of the proposed incumbent within narrower limits than those now allowed by law. The whole State, through its length and breadth, is open for the choice; and if the law shall be executed in its spirit, the evil apprehended cannot exist. It is urged, however, that whatever may be the liberality of the bill in this respect, yet the practical execution of it will be far different; and that in a short time, the selection will be made, as *a matter of course*, from the district in which he is to reside: That this will be the case, first, because no one duly qualified for the office and residing in a healthy region, will, for the office, consent to locate in either of three eastern districts; secondly, because from a feeling of pride attaching itself to the districts, a claim of right will soon spring up to select the Judge for each district *out* of the district for which he is to be selected; and, thirdly, because of the sacrifice which the incumbent, if selected elsewhere, must make in his pecuniary affairs and otherwise.

These your committee believe to be the main objections; and they reply, that, as to the first, which is founded upon the comparative health of the two great sections of the State, its utmost effect would be to allow for the three unhealthy circuits a selection confined to them, and, as to all the healthy circuits, a selection from the whole State. Your committee do not doubt that the eastern part of the State will always be able to furnish men well qualified for Judges

for the eastern districts, even if gentlemen from the healthful regions of the State should refuse the office upon the terms of locating there: So that the worst practical operation assigned in the first objection would be, to select, as to three Judges, from about one half of the State, and, as to four, to select from the whole State. As to the second objection, springing from district pride, they reply, that there is now and always will be a feeling more powerful still, that of interest, which will control the other. The past history of the State proves its high regard for the due qualification of men for these responsible stations, and is, as your committee believe, a sufficient guaranty that such qualifications will ever be the controlling motive in future selections. But even if the particular district for which one was to be selected, might, regardless of necessary qualifications, feel such local pride and set up such claim; to countervail this, there would be State pride and a common interest prevailing in all the other districts, constituting six-sevenths of the entire State. The alternation of ridings, which is preserved by the bill, will continue in full force the interest now felt to select able Judges. This view of the case fully answers, in the opinion of your committee, the second objection: and, as to the third, that of pecuniary sacrifice which will attend such as might be selected out of the district, it is answered by the fact, which recent events have well attested, that if any in the eastern part of the State are selected, they will, in general, encounter no more than they now do; and your committee cannot conceive that the sacrifice can be very great, certainly not decisive as an objection with a man who desires the office—whose tenure is for life.

But if the operation of the proposed law should eventuate in district selections, your committee are far from believing that a necessary or even propable consequence would be the election of unqualified Judges. If we cast our eyes over the State, we shall become convinced of the fact, that competent Judges might be selected, one at least out of each district; and it is submitted that whatever may be the superior qualifications of the Judges now in office, a new election now to take place for every office filled, with liberty to choose from those who are Judges, would afford a judiciary altogether equal, if not superior to the present. There are *ten* Judges in the State, and only two are resident east of Chapel Hill; and of the seven circuits, four have no resident Judge. In the fourth circuit there are six Judges—two of the Supreme and four of the Superior Court; and the inconvenience now experienced from their peculiar location, great as it is, is not likely to be diminished.



As your committee perceive in none of the objections, an inconvenience equal to the delays, and in many instances, denials of justice which attend the present system, they recommend the passage of the bill into a law. Respectfully submitted.

B. F. MOORE.

# A BILL

To locate the residence of Judges of the Superior Courts, hereafter to be elected.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,*  
 3 That in all elections hereafter to be made of a Judge of the Superior Courts, the election shall be made for some judicial circuit  
 5 in which there is no such Judge resident; and it shall be the  
 6 duty of the Judge so elected to reside in some one of the counties  
 7 ties of the circuit for which he shall be chosen, so long as he  
 8 may hold the office: *provided, however,* that this act shall not  
 9 be so construed as to alter the law which now requires the  
 10 Judges of said Superior Courts to allot the circuits among them-  
 11 selves, or allows them to exchange courts.

In reply to the foregoing resolution, the President of the Raleigh and Gaston Rail Road Company reports, that the amount of stock owned by individuals resident in North Carolina, is three thousand and eighty two shares (3082); and that the amount owned by persons residing in other States, is three thousand nine hundred and thirty-one (3931). Which is respectfully submitted.

S. F. PATTERSON,

Pres. R. & Gaston R. R. Co.

Dec. 12th, 1841.

LEGISLATURE OF NORTH CAROLINA,

IN SENATE, DEC. 12, 1844.

REPORT

OF THE

PRESIDENT OF THE R. & G. RAIL ROAD COMPANY,

SHEWING THE

AMOUNTS OF STOCK OWNED IN & OUT OF THE STATE.

COPY.

“*Resolved*, That the President of the Raleigh and Gaston Rail Road Company be directed to furnish this House with a statement of the amount of stock in said Company owned by individuals residing in North Carolina, also the amount owned by persons residing in other States.”

In reply to the foregoing resolution, the President of the Raleigh and Gaston Rail Road Company reports, that the amount of stock owned by individuals resident in North Carolina, is three thousand and eighty two shares (3082); and that the amount owned by persons residing in other States, is three thousand nine hundred and thirty-one (3931). Which is respectfully submitted.

S. F. PATTERSON,

Pres. R. & Gaston R. R. Co.

Dec. 12th, 1844.











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LEGISLATURE OF NORTH CAROLINA.

IN SENATE, DEC. 3, 1844.

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A BILL

For the more speedy and equitable settlement of the estates of deceased persons.

Section I. When the estate of any person deceased shall be insolvent or insufficient to pay all his debts, it shall, after discharging his necessary funeral expenses, and the charges of administration, be applied to the payment of all other debts or demands against such estate, without regard to their dignity, each creditor being entitled to his equal share of the same in proportion to the extent of his demand, as the same may have been allowed under the provisions of this Act.

Section II. Whenever any executor or Administrator shall suppose that the estate of his testator or intestate will probably be insufficient for the payment of his debts, it shall be the duty of said executor or administrator, to file his petition in the County or Superior Court of the County where administration shall have been granted, setting forth therein the condition and circumstances of said estate, and the amount of its indebtedness as far as the same can be ascertained; and if there be any real estate, to describe the same in said petition, and pray an order for the sale thereof; which said order it shall be the duty of said Court to make, upon it being made to appear to the satisfaction of said Court that said estate is insolvent.

Section III. Before any sale shall be ordered as directed in the preceding section, the heirs or devisees, or both, as the case may require, shall have due notice of said petition, and said heirs or devisees, or both, if they desire it, shall be entitled to have an issue made up under the direction of the Court to try the question of the insolvency of said estate, and whether a sale of the real estate be necessary for the payment of the debts.

Section IV. It shall be the duty of the Court, upon such peti-



tion being filed, and such representation being made as directed in the second section of this Act, to appoint one or more Commissioners, whose duty it shall be to receive and examine all claims of creditors against the estate of the deceased, whether due or thereafter to fall due; and to return to the Court a list of all the claims that shall have been laid before them, with the sum that they have allowed on each claim; and the Commissioners, before entering on the duties of their office, shall be sworn to the faithful discharge thereof.

Section V. The Commissioner or Commissioners appointed as directed in the preceding section, shall select convenient times and places for their meetings, to receive and examine the claims of Creditors, and shall give notice thereof, by causing notifications to be posted up in three or more public places in the County in which the deceased last dwelt, one of which shall be at the Court House door, or in some newspaper, or in such other manner as the Court, having due regard to the circumstances of the case, shall order.

Section VI. The period of six months, after the appointment of the Commissioners, shall be allowed for the creditors to present and prove their claims, and the Court may allow such further time for this purpose, not to exceed eighteen months, as may be deemed necessary according to the circumstances of the case; and at the expiration of the time for receiving and proving claims, the Commissioners shall make their report to Court, and in said report shall state particularly how they have notified the creditors, and shall produce satisfactory evidence of such notification.

Section VII. Any person whose claim shall be disallowed in whole or in part by the Commissioners, and any executor or administrator who shall be dissatisfied with the allowance of any claim, provided said sum allowed or disallowed exceed twenty dollars, may, upon giving bond to prosecute said suit with effect, appeal from the decision of said Commissioners; and it shall be the duty of said Commissioners, upon the party signifying his dissent, and giving bond and security to prosecute said suit with effect, to return said claim with all the papers and evidence relating thereto, to the Court in which said petition shall have been filed, where the proper pleadings shall be made up under the direction of the Court, and the same placed upon the trial docket,

13 there to be tried as if the same had been originally commenced  
14 in said Court, which Court shall have jurisdiction in all such ca-  
15 ses.

Section VIII. Every such appeal from the judgment of the  
2 Commissioners shall be claimed and security therefor given  
3 during the term of the Court to which the Commissioners shall  
4 make their return, and not after.

Section IX. After taking such appeal from the decision of the  
2 Commissioners, the parties may, if they think fit, waive a trial,  
3 and submit the claim to the determination of arbitrators to be a-  
4 greed upon between them, and to be appointed accordingly by a  
5 rule of Court; and the award of such arbitrators, if confirmed by  
6 the Court, shall be conclusive as to the claim.

Section X. The party prevailing upon any such appeal shall  
2 be entitled to costs, to be taxed and recovered as in other common  
3 actions, against the adverse party; which costs, if recovered a-  
4 gainst the executor or administrator, may be allowed him in his  
5 administration account, out of the assets in his hands; but no ex-  
6 ecution for the debt recovered against any executor or adminis-  
7 trator in any such appeal shall issue, but the sum recovered shall  
8 be added to the list of debts returned by the Commissioners, and  
9 the said creditor there allowed his due proportion with the other  
10 creditors.

Section XI. If, at the return of the Commissioners, any person  
2 shall be liable as a surety for the deceased, or shall have any oth-  
3 er contingent claim against his estate, which could not be proved  
4 as a debt before the Commissioners, upon the representation and  
5 proof thereof before the Commissioners, it shall be the duty of the  
6 Commissioners to state the same in their return as well as all  
7 cases of appeal from their decision; and the Court, in ordering  
8 dividends, which they are hereby authorized to make from time  
9 to time, shall leave in the hands of said executor or administra-  
10 tor, a sum sufficient to pay such creditors a proportion equal to  
11 what shall then be paid to the other creditors.

Section XII. The Commissioners may, when they shall think  
2 it proper, require an oath to be administered to any claimant, to  
3 make true answers to all such questions as shall be asked him  
4 touching his claim, and they may thereupon examine him, upon  
5 all matters relating thereto; and if he shall refuse to take such  
6 oath, or to answer fully all questions which shall be lawfully put



7 to him, the Commissioners may disallow his claim; and on any  
8 appeal from the decision of the Commissioners, the Court in  
9 which the appeal is pending, shall have the like power to exam-  
10 ine the claimant on oath, and to disallow the claim, if he shall  
11 refuse to take the oath, or to answer fully upon his examination.

Section XIII. Any one Commissioner may administer the oath  
2 to the claimant and may also administer the oath to all witnesses  
3 produced and examined before the Commissioners; and any person  
4 guilty of perjury upon such examination, either as a claimant or  
5 a witness, shall be liable to the same punishment now prescribed  
6 by law for perjury in civil cases.

Section XIV. It shall be the duty of the Court during the  
2 term to which the Commissioners shall make their return to  
3 make such decree for the distribution of the assets among the credi-  
4 tors as the case shall require according to the provisions of this  
5 act; and if, before said decree, the Court shall have notice of any  
6 contingent claim or of any appeal from the Commissioners then  
7 claimed or pending, the Court may, in its discretion, suspend  
8 the decree for distribution, until such contingent claim shall be  
9 ascertained or said appeal determined, or order a distribution a-  
10 mong the creditors whose debts are allowed, leaving in the  
11 hands of the executor or administrator a sum sufficient to pay  
12 the claimant whose demand is not allowed a proportion equal to  
13 what shall be paid to the other creditors.

Section XV. If the whole assets should not be distributed up-  
2 on the first order of distribution, or if further assets should after-  
3 wards come to the hands of the executor or the administrator, the  
4 Court shall make such further decree or decrees for the distribu-  
5 tion thereof as the case may require.

Section XVI. No action shall be brought against any executor  
2 or administrator until nine months after the qualification of such  
3 executor or administrator; nor shall any suit be brought against  
4 any executor or administrator after the estate of his testator or  
5 intestate shall have been represented insolvent, as before directed  
6 in this act, unless waste or negligence or fraud in the discharge  
7 of the duties of his trust as such, be alleged against such execu-  
8 tor or administrator and the same established upon the trial of such  
9 suit, or unless it shall be alleged and established in such action  
10 or suit that the personal assets of such estate are sufficient for the  
11 payment of all the debts against said estate, or unless the said  
12 executor or administrator shall, in writing, consent to the bring-

13 ing of such suit, which he is hereby authorized to do whenever  
14 he shall deem it necessary.

Section XVII. If after the report of the Commissioners the as-  
2 sets shall prove sufficient to pay all the debts allowed by the  
3 Commissioners, then the executor or administrator shall pay the  
4 same in full; and if any other debt shall be recovered against  
5 him, he shall be liable therefor only to the extent of the assets re-  
6 maining in his hands after such decree for distribution, or what  
7 shall have come to his hands subsequent to such decree.

Section XVIII. If there are two or more such creditors, the as-  
2 sets, if insufficient to pay their demands in full, shall be divided  
3 among them in proportion to the amount of their respective  
4 debts.

Section XIX. The executor or administrator in such case shall  
2 be permitted to prove under the general issue, the amount of as-  
3 sets in hand, and thereupon judgment shall be rendered in the  
4 usual form; but execution shall not issue for more than the  
5 amount of such assets; and if there be more than one judgment,  
6 the Court shall apportion the amount between them.

Section XX. The time which shall run during the first nine  
2 months after the qualification of any executor or administrator,  
3 shall not be counted upon any plea of the statute of limitations  
4 pleaded by any executor or administrator. And when any estate  
5 shall be represented insolvent as in this act directed, the time which  
6 shall run after the presentation of the claims before the Commis-  
7 sioners shall not be counted upon any plea of the statute of limi-  
8 tations pleaded by any such executor or administrator.

Section XXI. When any executor or administrator shall file  
2 his petition, representing the estate of the deceased as insolvent,  
3 and praying for a sale of real estate, as directed in the second sec-  
4 tion of this act, and the heirs or devisees shall cause an issue to  
5 be made up, as they are permitted to do by the third section, it  
6 shall be the duty of the jury who try such issue to specify in their  
7 verdict, if for the heirs or devisees, the amount of assets in the  
8 hands of the executor or administrator for the payment of debts,  
9 for which sum said executor or administrator shall be liable;  
10 and if the said jury shall find that said estate is solvent, and that  
11 a sale of the real estate will be unnecessary for the payment of  
12 the debts of the deceased, then any creditor may forthwith com-  
13 mence his said warrant or action against said executor or admin-  
14 istrator; and the verdict of the jury shall be evidence against the



15 executor or administrator and their securities, in any suit, action  
16 or warrant, brought against them or any one or more of them.

Section XXII. That it shall be the duty of every Executor,  
2 before his qualification, to enter into the same bonds, with all the  
3 conditions that are now required by law to be given by execu-  
4 tors residing out of the State; and that the bonds of all executors  
5 and administrators shall be given in addition to the amount now  
6 required by law, in such further sum as will be double the a-  
7 mount of the real estate that may, in any event, come into his  
8 hands for the payment of debts, with a condition for the faithful  
9 administration of all such sums received from the sale of real es-  
10 tate for the payment of debts.

Section XXIII. When any executor or administrator upon a  
2 solvent estate shall ascertain that the personal estate, together  
3 with the real estate, devised for the payment of debts, will be in-  
4 sufficient for the payment of the debts of the deceased, if any  
5 such there be, it shall be the duty of said executor or administra-  
6 tor, in the County or Superior Court of the county where ad-  
7 ministration shall have been granted, to file his petition, setting  
8 forth therein the condition and circumstances of said estate, the  
9 amount of its indebtedness as far as he has ascertained the same,  
10 and the sum or sums that it will be necessary to raise out of the  
11 real estate of the deceased, for the payment of the debts against  
12 said estate, of which petition the heirs or devisees, or both, as the  
13 case may require, shall have notice, and shall be entitled to have  
14 an issue made up under the direction of the court to try the  
15 question whether the executor or administrator has fully admin-  
16 istered all the personal estate of the deceased, and such real es-  
17 tate, if any, as may have been devised for the payment of debts;  
18 and if upon any such issues submitted on the part of the heirs  
19 or devisees the same shall be found against them, or if no such  
20 issue shall be submitted, then it shall be the duty of the court to  
21 order a sale of all or so much of the real estate as will be suffi-  
22 cient to discharge all the debts outstanding against said estate, af-  
23 ter the assets and real estate, if any devised for the payment of  
24 debts shall be exhausted, due regard being had in all such orders  
25 to the heirs or devisees or both, as the case may require.

Section XXIV. If any executor or administrator of an estate,  
2 represented by him insolvent, as directed in the second section  
3 of this act, shall fail or neglect, for the space of three months af-

4 ter any decree for a distribution of the assets, to pay any creditor  
 5 the sum allowed him in any such decree, every such creditor may  
 6 forthwith apply to the Clerk of the court for an execution for  
 7 the amount of his debt, either against the proper goods and chat-  
 8 tels of the said executor or administrator, or against the goods  
 9 and chattels of the deceased, in his hands, or he may institute a  
 10 suit therefor against said executor, administrator and their sure-  
 11 ties upon their administration bond; and the sums allowed them  
 12 in said decree for distribution, shall be evidence both against the  
 13 executor and administrator and their sureties or any one or all of  
 14 them.

Section XXV. If any executor or administrator of any solvent  
 2 estate, the personal assets of which, together with the real estate  
 3 devised for the payment of debts, (if any,) shall be insufficient for  
 4 that purpose, shall fail for the space of six months, after such as-  
 5 sets are exhausted, to file his petition as directed in the twenty-  
 6 third section of this act, for the sale of real estate as therein di-  
 7 rected, then it shall be lawful for any creditor of said deceased to  
 8 commence his action against such executor or administrator, and  
 9 recover the amount of his debt out of said executor or adminis-  
 10 trator.

Section XXVI. Any executor or administrator who may be  
 2 compelled to pay any debt of his testator or intestate out of his  
 3 own funds as mentioned in the 25th section of this act, may there-  
 4 after file his petition for the sale of real estate, as directed in the  
 5 twenty-third section of this act.

Section XXVII. None of the provisions of this act shall be  
 2 construed in any way to affect the widow's right to Dower or  
 3 year's allowance for herself and family out of her deceased hus-  
 4 band's estate.

Section XXIV. If any executor or administrator of an estate  
 2 represented by him insolvent, as directed in the second section  
 3 of this act, shall fail or neglect for the space of three months af-



## LEGISLATURE OF NORTH CAROLINA.

IN SENATE, DECEMBER 3, 1844.

## A BILL

More effectually to prevent the imprisonment of honest debtors.

Section 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That upon all debts hereafter contracted, upon which judgments shall be obtained, no *capias ad satisfaciendum* shall issue, unless the plaintiff, his agent or attorney, shall make affidavit, in writing, before the Clerk of the Court or Justice of the Peace when such judgment may have been rendered, that he has cause to believe and does believe, that the defendant has property, money or effects, which cannot be reached by *fieri facias*, or has fraudulently concealed his property, money or effects, or is about to remove from the State.

Section 2d. *Be it further enacted,* That no Court in this State shall permit an issue of fraud to be made up and tried under the provisions of the act for the relief of insolvent debtors, Rev. Statutes, Chap. 58, sec. 10th, unless the creditor, his agent or attorney suggesting the fraud or concealment, shall make an affidavit in writing, of his belief of the truth of such suggestion, and also designate the property, money or effect he believes to be concealed.

Section 3d. *Be it further enacted,* That whenever the plaintiff in any judgment shall be desirous of subjecting the bail of the defendant in such judgment to the payment thereof, such plaintiff shall be at liberty to proceed in the first instance by *scire facias* against such bail, without having previously issued any *capias ad satisfaciendum* against the defendant; but such *scire facias* shall not stand for trial at the appearance term.

Section 4th. *Be it further enacted,* That this act shall be in force from and after its ratification.

LEGISLATURE OF NORTH CAROLINA,

IN THE HOUSE OF COMMONS, DECEMBER 10, 1844.

A BILL

To set apart a "*Homestead Freehold*" to any citizen of the State of North Carolina, of the age of twenty-one years.

Section I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for any free white person, residing in this State, and having attained the age of twenty-one years, who may be seized and possessed of a freehold in any lands in this State, to prefer a petition in writing to the Court of Pleas and Quarter Sessions, or to the Superior Court of the county, in which such lands are situated, describing the nature of such freehold, and the situation of such lands, and praying to have a *homestead freehold* laid off and allotted to him or her in such lands; whereupon the Court shall appoint five discreet and disinterested persons as commissioners to lay off and allot to the petitioner a *homestead freehold* in the lands described in the petition—and said commissioners, or a majority of them, shall be summoned by the Sheriff or Coroner for that purpose.

Section II. *And be it further enacted,* That the said commissioners, or a majority of them, shall view the premises described in the petition, and shall lay off and allot, therefrom, by metes and bounds, fifty acres in one body for such *homestead freehold*; *Provided,* that if there be less than fifty acres of land in the premises described in the petition, then they shall lay off and allot, by metes and bounds, the whole of such tract for the *homestead freehold* of the petitioner.

Section III. *And be it further enacted,* That when the lands described in any petition filed in accordance with the provisions contained in the first section of this act, shall be situated within the corporate limits of any city, town or village, in this State, then the said commissioners, or a majority of them, shall view the premises described in the petition, and shall lay off and



7 allot, therefrom, by metes and bounds, a half acre in one body for  
 8 such *homestead freehold*: *Provided*, that if there be less than  
 9 a half acre of land in the premises, described in the petition, then  
 10 they shall lay off and allot, by metes and bounds, the whole of  
 11 such land for the *homestead freehold* of the petitioner.

Section IV. *And be it further enacted*, That the commission-  
 2 ers who shall lay off and allot any *homestead freehold* as before  
 3 directed, shall at the term of the Court next succeeding that at  
 4 which they were appointed, make to the Court a report in writing,  
 5 setting forth the boundaries and locality of, and the number of  
 6 acres or quantity of land in the *homestead freehold* by them laid  
 7 off and allotted, and the name of the petitioner at whose instance  
 8 the same was done, which report they shall sign and seal; and  
 9 said report, when confirmed by the Court, shall be noticed on the  
 10 minutes of the Court, and registered by the public register, in the  
 11 county where such *homestead freehold* is situated; and the Court,  
 12 in confirming such report, shall allow the commissioners a rea-  
 13 sonable compensation for their trouble and expense, which allow-  
 14 ance shall be taxed in bill of costs and shall be paid by the peti-  
 15 tioner.

Section V. *And be it further enacted*, That the *homestead*  
 2 *freehold* of any petitioner under this act shall not be taken in ex-  
 3 ecution nor sold for any debt, or debts, made or contracted by such  
 4 petitioner after the registration of the report of the commissioners  
 5 appointed in pursuance of the first section of this act, except as is  
 6 hereinafter directed; *Provided, however*, that no person shall at  
 7 any time hold or possess more than one *homestead freehold* in  
 8 his or her own right; and any person owning or possessing a  
 9 *homestead freehold* which has been laid off and allotted to him or  
 10 her by petition, shall on the filing of another petition for a *home-*  
 11 *stead freehold*, be held, deemed, and taken to have relinquish-  
 12 ed any and every former *homestead freehold*, and the same shall  
 13 thereby be rendered liable as other lands, for any debt or debts of  
 14 such person; and no lands shall be the *homestead freehold* of any  
 15 person except the petitioner at whose petition the same was laid  
 16 off and allotted.

Section VI. *And be it further enacted*, That nothing in this  
 2 act contained shall be construed so as to prevent the sale of any  
 3 homestead freehold for the taxes which may be levied thereon, in  
 4 the same manner and under the same rules, and regulations as

5 now are, or may hereafter be established by law for the sale of  
6 lands in this State for taxes.

Section VII. *And be it further enacted*, That if any person  
2 seized and possessed of a *homestead freehold* shall cease to reside  
3 in this State, or shall abscond or conceal himself from legal pro-  
4 cess and have no wife or child living in this State, the creditor or  
6 creditors of such person may prefer a petition in writing to the  
7 Court of Pleas and Quarter Sessions, or to the Superior Court of  
8 the county where such *homestead freehold* is situated, setting  
9 forth that the debtor is no longer a resident of the State, or that  
10 he has absconded, or conceals himself from legal process, and has  
11 no wife nor child residing in this State, and that the debtor is  
12 indebted to the petitioner or petitioners, and has no property  
13 in this State on which an execution or attachment can be levied;  
14 and upon the filing of such petition, process shall issue against  
15 the debtor, as in other cases of petition, and if upon the return of  
16 an alias subpœna, process could not be served on the debtor, the  
17 Court shall set the cause for hearing, and shall, if satisfied that the  
18 allegations set forth as directed in the petition are proven, render  
19 judgment for the petitioner or petitioners, and decree a sale of the  
20 *homestead freehold* of such debtor, and appoint a commissioner  
21 to make sale thereof; *provided*, that any creditor or creditors of  
22 such debtor shall be permitted, on motion to the Court, at any  
23 time before entering up the decree of sale, to come in and prove  
24 their debts and be made party petitioners.

Section VIII. *And be it further enacted*, That when any  
2 person seized and possessed of a *homestead freehold* of the value  
3 of more than                dollars shall be indebted to an amount ex-  
4 ceeding                dollars, and has no property on which an exe-  
5 cution or attachment can be levied, or withholds or conceals such  
6 property, the creditor or creditors of such person owning a debt  
7 or debts against such person to an amount exceeding  
8 dollars none of which debts were contracted by the debtor as the  
9 surety of some other person, may prefer a petition in writing to  
10 the Court of Pleas and Quarter Sessions, or to the Superior Court  
11 of the county where such *homestead freehold* is situated, setting  
12 forth that the debtor owes the petitioner or petitioners, the amount  
13 or amounts, (which shall exceed the sum of                dollars set  
14 forth in the petition,) and has not property on which an execu-  
15 tion or attachment can be levied, or withholds or conceals such  
16 property from execution or attachment; (and if the fact be so)



17 that the debtor has left the State, or (as the case may be) ab-  
 18 sconds or conceals himself from legal process, and has a wife or  
 19 child, or children, or either of them, living in this State; and that  
 20 the value of the homestead freehold of the debtor is greater than  
 21 dollars, and praying a sale of such homestead freehold:  
 22 upon the filing of such petition, process shall issue against the  
 23 debtor, and if he have left the State, or absconds or conceals  
 24 himself from process, then also against his wife and child, or  
 25 children, or against such of them as live in the State, and the  
 26 same proceedings shall be had in the cause as are had in other  
 27 cases of petition; and if upon a final hearing in the cause, the  
 28 Court shall be satisfied that all the material allegations set forth  
 29 (as directed) in the petition are proven, the Court shall render  
 30 judgment for the petitioner or petitioners, and decree a sale of the  
 31 homestead freehold, and appoint a commissioner to sell the same,  
 32 *provided*, that in such decree of sale the Court shall require  
 33 that the *homestead freehold* shall not be sold for less than  
 34 dollars, and that at the sale the purchaser thereof shall pay in  
 35 cash the sum of dollars; and *provided further*, that a-  
 36 ny creditor or creditors of the debtor holding a debt or debts a-  
 37 gainst such debtor, that were not contracted by the debtor, as  
 38 the surety only of some other person shall, upon motion to the Court  
 39 at any time before a decree of sale made in the cause, be allow-  
 40 ed to come in and prove such debt, or debts, and be made party  
 41 petitioners in the cause.

Section IX. *And be it further enacted*, That a decree of sale  
 2 entered up by the Court, in pursuance of the provisions contained  
 3 in the seventh section of this act, shall render null and void and  
 4 of no effect, as against the judgment creditor or creditors, in  
 5 whose behalf such decree was made, any and every conveyance  
 6 or sale of the homestead freehold of the debtor made by him af-  
 7 ter the issuing of process in the cause; and a decree of sale en-  
 8 tered up by the Court, in pursuance of the provisions contained in  
 9 the eighth section of this act, shall render null and void and of no  
 10 effect, as against the judgment creditor or creditors in whose be-  
 11 half such decree was made, any and every conveyance or sale of  
 12 *homestead freehold* of the debtor made by him after the service  
 13 of process in the cause.

Section XI. *And be it further enacted*, That all sales of a  
 2 *Homestead Freehold*, decreed to be made by a commissioner, ap-  
 3 pointed by the court, in pursuance of the 7th or 8th section of

4 this act, shall be advertised in three or more public places in the  
 5 county, where such homestead freehold is situated for at least the  
 6 space of thirty days, one copy of which advertisement shall be  
 7 posted up at the court house door in said county; and one copy,  
 8 on some conspicuous part of the premises; and all such sales  
 9 shall be held at the court house door, or at the premises, and by  
 10 public auction, and shall commence between the hours of ten and  
 11 four o'clock of the day of sale appointed.

Section XI. *And be it further enacted*, That the commis-  
 2 sioner appointed by the court, to make a sale of any homestead  
 3 freehold under a decree, entered up in pursuance of the eighth  
 4 section of this act, shall not make such sale unless, on a fair ex-  
 5 posure of the premises, some one will give more than the sum of  
 6 dollars for the same; and the commissioner, if there be  
 7 no sale of the premises, shall report that fact to the court, and it  
 8 shall be the duty of the court to have that fact spread upon the  
 9 record in the cause, and the court shall reverse or set aside the  
 10 decree of sale made in the cause, and no other decree of sale shall  
 11 be entered up on such judgment; nor shall any decree be made  
 12 in any case arising under the eighth section of this act, where the  
 13 petition filed in such case shall be founded in whole or in part on  
 14 any debt or debts upon which such judgment was rendered; *Pro-*  
 15 *vided*, that nothing herein contained shall prevent the commissioner  
 16 from postponing the sale of any such *homestead freehold* from  
 17 time to time; but such postponement shall not extend beyond the  
 18 succeeding term of the court.

Section XII. *And be it further enacted*, That when a com-  
 2 missioner, appointed by the court to make a sale of any home-  
 3 stead freehold under a decree entered up in pursuance of the  
 4 eighth section of this act, shall duly effect such sale, and report  
 5 the same to the court, it shall be the duty of the court, upon con-  
 6 firming the report of the commissioner, to appoint a trustee, whose  
 7 business it shall be to expend for the benefit of the debtor and his  
 8 family, as the court may direct, any sum or sums of money that  
 9 the court shall allow, liberally for that purpose, out of the amount  
 10 of sales required to be paid in cash at the sale of the *homestead*  
 11 *freehold*; *providid*, that such allowance shall not exceed the  
 12 sum of dollars; and all property purchased out of such  
 13 allowance shall be exempt from execution or sale for any debt or  
 14 debts of the defendant, contracted between the registration and  
 15 sale of the homestead freehold thus sold.



Section XIII. *And be it further enacted*, That when the  
 2 *homestead freehold* of any person shall descend, as an inheri-  
 3 tance from such person, or be derived by any last will and testa-  
 4 ment of such person to the child or children, and the issue of  
 5 any child or children (or to any of them) of such person, that  
 6 then the homestead freehold shall pass to such heir or heirs, devi-  
 7 see or devisees, discharged from the debt or debts of the ancestor  
 8 or devisor, contracted by such ancestor or devisor since the regis-  
 9 tration of the homestead freehold ; *provided, however*, that the  
 10 value of the *homestead freehold* shall not, in such case, exceed  
 11 dollars ; and if in such case the value of the homestead  
 12 freehold shall exceed dollars, that then the homestead  
 13 freehold shall pass to such heir or heirs, devisee or devisees, sub-  
 14 ject and liable as other lands to the debt or debts of such ancestor  
 15 or devisor for such excess only in value, above the said sum of  
 16 dollars ; *provided*, that such debt or debts were not  
 17 contracted by such ancestor or devisor as the surety only of some  
 18 other person ; *and provided further*, that all the other estate, both  
 19 real and personal, of such ancestor or devisor, shall first be ex-  
 20 hausted in payment of the debt or debts of such ancestor or de-  
 21 visor.

Section XIV. *And be it further enacted*, That when the  
 2 *homestead freehold* of any person shall be inherited by, or devis-  
 3 ed to, any other than the child or children, or the issue of any  
 4 child or children of the ancestor or devisor, that then such home-  
 5 stead freehold shall pass to such heir or heirs, devisee or devisees,  
 6 subject and liable, as other lands, to all and every debt or debts  
 7 of such ancestor or devisor ; *Provided*, that when the widow of  
 8 any person dying, seized and possessed of a homestead freehold,  
 9 shall be the devisee of such person, or one of the devisees, such  
 10 widow may dissent from such will, conveying the *homestead*  
 11 *freehold*, and have her right of dower therein as is hereinafter  
 12 allowed.

Section XV. *And be it further enacted*, That when any per-  
 2 son shall die seized and possessed of a *homestead freehold*, leaving  
 3 a widow and no child, nor children, nor the issue of any deceas-  
 4 ed child or children, that then the widow shall be entitled to the  
 5 whole of the homestead freehold, as dower in such ; and shall,  
 6 besides, be entitled to her dower in any other lands of her de-  
 7 ceased husband ; and in the allotment of dower to her, in such  
 8 other lands, the value of the *homestead freehold* shall not be

9 computed ; *provided, however*, that in all cases where the debt or  
 10 debts of the husband, contracted since the registration of the *home-*  
 11 *stead freehold*, and which were not contracted as the surety on-  
 12 ly of some other person, shall exceed the value of all the other  
 13 property of the husband, and that then such widow, for dower in  
 14 the *homestead freehold*, shall be entitled to the dwelling or man-  
 15 sion house, and necessary outhouses thereon, and an additional  
 16 interest in such *homestead freehold* of not less than *one dol-*  
 17 *lars* in value.

Section XVI. *And be it further enacted*, That when any per-  
 2 son seized or possessed of a *homestead freehold*, shall die, leav-  
 3 ing any child or children, or the issue of any child or children,  
 4 to whom, or to any of whom, the *homestead freehold* shall des-  
 5 cend, or be devised, and such *homestead freehold* may not be  
 6 sold under the provisions contained in the thirteenth section of  
 7 this act, then the widow (if any) of such person shall be entitled  
 8 to an interest in such *homestead freehold*, equal only to the inter-  
 9 est of any such child or children, or the issue of any such child  
 10 or children, to whom the *homestead freehold* shall descend or be  
 11 devised ; but, if the *homestead freehold* may be sold under the  
 12 provisions contained in the thirteenth section of this act, then the  
 13 widow shall dower in such *homestead freehold* as directed in the  
 14 proviso, to the 15th section of this act.

Section XVII. *And be it further enacted*, That the *homestead*  
 2 *freehold* of the wife shall not be taken in execution, nor sold for  
 3 any debt or debts of the husband during the coverture; and, upon  
 4 the death of the wife, her *homestead freehold* shall descend to  
 5 such child or children of hers, or to such issue of any deceased  
 6 child or children of hers, and to all such as shall be unmarried  
 7 and under the age of twenty-one years, so as to bar the husband  
 8 of his tenancy by the courtesy in such *homestead freehold*, until  
 9 the youngest of such children shall arrive to the age of twenty-  
 10 one years ; and in all cases where a Feme Covert, owning a  
 11 *homestead freehold*, shall die, leaving no child nor children, nor  
 12 the issue of any deceased child or children, the husband, if liv-  
 13 ing, shall be tenant for life in such *homestead freehold* of the  
 14 wife.

Section XVIII. *And be it further enacted*, That the fees of  
 2 sheriffs and coroners, for services performed under any of the  
 3 provisions of this act, shall be the same as is now or may here-  
 4 after be allowed by law for like services performed in other cases;



5 and upon the report of any commissioner appointed under this  
 6 act to make sale of a homestead freehold, the court shall allow  
 7 such commissioner any amount which the court may think pro-  
 8 per to allow, not exceeding fifty dollars on any report.

Section XIX. *And be it further enacted,* That all laws and  
 2 clauses of laws, contrary or repugnant to the meaning of this act,  
 3 be, and the same are hereby repealed.

# A BILL

To make Real Estate Assets

Sec. I. Be it enacted by the General Assembly of the State  
 2 of North Carolina, and it is hereby enacted by the authority  
 3 of the same, That where the goods and chattels of any deceased  
 4 person, in the hands of his executor or administrator, shall be  
 5 insufficient to pay all his debts, with the charge of administra-  
 6 tion, the said executor or administrator shall sell his real es-  
 7 tate, upon obtaining a license therefor and proceeding therein in  
 8 the manner in this act provided.

Sec. II. In order to obtain such license, the executor or adminis-  
 2 trator shall present to the Superior Court of Law of the county  
 3 in which letters testamentary or letters of administration were  
 4 granted, a petition setting forth the amount of the debts due  
 5 from the deceased, as nearly as they can be ascertained, and the  
 6 amount of the estimated charges of administration, and the value  
 7 of the personal estate; and if it shall be necessary to sell a part  
 8 only of the real estate, he shall also set forth the value, description  
 9 and conditions of the estate, or such part thereof as he shall  
 10 propose to sell; and the Court may, in all cases where it is not  
 11 necessary to sell the whole, decide and direct what specified part  
 12 of the estate shall be sold.

Sec. III. If it shall be represented in such petition, and shall  
 2 appear to the Court that it is necessary to sell some part of the  
 3 real estate, and that by such partial sale, the residue of the es-  
 4 tate or some specified part or piece thereof, would be greatly in-  
 5 jured, the Court may license a sale of the whole estate, or such  
 6 part thereof as the Court shall think necessary and most bene-  
 7 ficial for the interest of all concerned therein.

Sec. IV. No such license shall be granted until the heirs and  
 2 devisees of the person interested in said estate shall be made

# LEGISLATURE OF NORTH CAROLINA.

HOUSE OF COMMONS, DEC. 9, 1844.

## A BILL

To make Real Estate Assets.

Sect. I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That where the goods and chattels of any deceased person, in the hands of his executor or administrator, shall be insufficient to pay all his debts, with the charge of administering the estate, his executor or administrator shall sell his real estate, upon obtaining a license therefor and proceeding therein in the manner in this act provided.

Sect. II. In order to obtain such license, the executor or administrator shall present to the Superior Court of Law of the county in which letters testamentary or letters of administration were granted, a petition setting forth the amount of the debts due from the deceased, as nearly as they can be ascertained, and the amount of the estimated charges of administration, and the value of the personal estate; and if it shall be necessary to sell a part only of the real estate, he shall also set forth the value, description and conditions of the estate, or such part thereof as he shall propose to sell: and the Court may, in all cases where it is not necessary to sell the whole, decide and direct what specified part of the estate shall be sold.

Sect. III. If it shall be represented in such petition, and shall appear to the Court, that it is necessary to sell some part of the real estate, and that by such partial sale, the residue of the estate, or some specified part or piece thereof, would be greatly injured, the Court may license a sale of the whole estate, or such part thereof as the Court shall think necessary and most beneficial for the interest of all concerned therein.

Sect. IV. No such license shall be granted until the heirs and devisees; or other persons interested in said estate, shall be made



3 parties to said petition, and served with notice either actually or  
4 by advertisement as in other petitions filed in the Superior Courts  
5 of Law.

Sect. V. As soon as all the parties are before the Court, either  
2 by personal service or by advertisement, the Court may proceed  
3 to hear the petition and decree the sale, if necessary, unless such  
4 cause to the contrary be shown as may induce the Court to re-  
5 fuse it, or postpone the final hearing to another term.

Sect. VI. Whenever the Court may decree a sale of real estate,  
2 under the provisions of this act, the sale shall be made upon  
3 such terms and upon such credit, as the Court may direct; and  
4 the title shall be made to the purchaser by such person and at  
5 such time, as the Court shall prescribe.

Sect. VII. The executor or administrator shall make affidavit  
2 of the facts stated in his petition.

Sect. VIII. All the proceeds of the real estate which may be  
2 sold under this act, and which may not be necessary to pay  
3 debts and charges of administration, shall be considered real es-  
4 tate, and as such shall be paid over by the executor or adminis-  
5 trator to such persons as would be entitled to the land, had it not  
6 been sold, or, in case of feme coverts, invested as proceeds of  
7 sale made for partition.

Sect. IX. The proceeds of real estate sold under this act, to  
2 pay debts and charges of administration, shall be assets in the  
3 hands of the executor or administrator for that purpose, and ap-  
4 plied in the administration as though the same were proceeds of  
5 personal estate; and bonds and other obligations in which the an-  
6 cestor hath bound his or her heirs, shall not be put in suit against  
7 the heirs or devisees of the deceased; and the same shall be con-  
8 sidered in the payment of debts as of equal dignity with other  
9 specialties, bills, promissory notes and liquidated accounts.

Section X. No proceedings shall be had under this act by ad-  
2 ministrators appointed or executors of wills proven before the se-  
3 cond day of February, A. D. 1845, and after that time all bonds  
4 executed by administrators or executors, when they qualify,  
5 shall be deemed and taken to have been executed, as well to  
6 secure the performance of the duties imposed by this act as those  
7 already required of administrators or executors.

Section XI. The real estate liable to be sold under this act  
2 shall include all the deceased may have conveyed with intent to  
3 defraud his creditors, and also all rights of entry and rights of

4 action, and all other rights and interests in lands, tenements and  
 5 hereditaments which by law would descend to his heirs: *Provi-*  
 6 *ded*, that lands so fraudulently conveyed shall not be taken from  
 7 any one who purchased them for a valuable consideration, and  
 8 without the knowledge of the fraud; but they shall be liable  
 9 only in the same cases in which they would have been liable to  
 10 attachment or execution by a creditor of the grantor in his life-  
 11 time.

Section XII. Whenever an executor or administrator shall  
 2 file his petition to sell land which may have been fraudulently  
 3 conveyed as aforesaid, and of which there may have been a sub-  
 4 sequent *bona fide* sale, whereby he cannot have a decree of sale  
 5 of the land, it shall be lawful for the Court to give judgment in  
 6 favor of such executor or administrator, for the value of said  
 7 land against all persons whatever who may have fraudulently  
 8 purchased the same; and, in case the whole of said recovery  
 9 shall not be necessary to pay the debts and charges aforesaid,  
 10 the residue thereof shall be restored to the person or persons of  
 11 whom such recovery was made.

Section XIII. Whenever the land which is sought to be sold  
 2 shall be claimed by another under any pretence whatsoever, the  
 3 Court may order an issue to try the title; and if it shall be found  
 4 for the executor or administrator, he shall have writ of possession,  
 5 and a decree of sale according to the provisions of this act.

Section XIV. When an executor other than such as may have  
 2 already given bond with security is licensed to sell any portion of  
 3 the real estate for the payment of debts, he shall execute a bond  
 4 with good and sufficient surety, payable to the State of North  
 5 Carolina, conditioned for the faithful application of the proceeds  
 6 of sale to the debts of the testator, and for accounting for and pay-  
 7 ing over all the proceeds of sale that shall remain after payment  
 8 of the debts and charges for which the real estate may be sold,  
 9 and for disposing of the same according to law, which bond may  
 10 be put in suit by an person injured by breach thereof.

Section XV. Whenever an executor or administrator with the  
 2 will annexed shall sell real estate for payment of debts by virtue  
 3 of any power or trust contained in the will, the proceeds of sale  
 4 shall be deemed legal and not equitable assets, and shall be ap-  
 5 plied as directed by this act in the discharge of debts, any direc-  
 6 tion in said will, or any law to the contrary notwithstanding.



Section XVI. If upon the hearing of any petition filed for the sale of real estate, the court shall decree a sale of any part that may have been specifically devised, the devisee shall be entitled to a contribution from other devisees, according to the principles which govern Courts of Equity in respect to contribution among legatees; and children provided for by the 15th and 16th sections of the Revised Statutes, entitled "An Act concerning last wills and testaments," shall be regarded as specific devisees in such contributions.

Section XVII. When any part of the real estate of a testator shall descend to his heirs, by reason of its not being devised or disposed of by the will, the undevised real estate shall be first chargeable with payment of debts, in exoneration, as far as it will go, of the real estate that is devised, unless from the will it shall appear otherwise to be the wish of the testator.

Section XVIII. The mode of proceeding against the real estate of deceased persons, prescribed by this act, shall be in use in all cases, only when the will may have been proven, or letters of administration granted, after the second day of February, eighteen hundred and forty-five. And the present mode of proceeding against such real estate, shall be in use in all cases where the will may have been proven, or letters of administration granted, prior to that day.

Section XIX. All laws and clauses of laws, inconsistent with the provisions of this act, and which allow the creditors of deceased persons to subject the lands descended, by *scire facias* after obtaining judgment against the estate of such deceased persons, are hereby repealed: *Provided however*, that such repeal shall not affect the provision of the 17th section of this act: *and provided further*, that nothing herein contained shall affect the right of dower.

LEGISLATURE OF NORTH CAROLINA,

HOUSE OF COMMONS, DEC 9, 1844.

A BILL

Concerning the admissibility of evidence against the sureties of officers.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,*  
 That in actions brought upon the official bonds of sheriffs, coroners, constables and other public officers, where it may be necessary for the plaintiff to prove any official default of any of the said officers, any receipt or acknowledgment of such officer, or any other matter or thing which by law would be admissible and competent for or toward proving the same as against such officer himself, shall, in like manner, be admissible and competent against all or any of his sureties, who may be defendants, with or without such officer, in said actions.

II. That every person who shall be, by the Court of Pleas and Quarter Sessions of any county, admitted and sworn into the office of sheriff or coroner of such county, or into the office of a constable or one of the constables of such county, or of any district in such county, shall be held, deemed and taken, by force of such admission, to be rightfully in such office until by judicial sentence upon a quo warranto, or other proper proceedings, he shall be ousted therefrom, or his admission thereto, be, in due course of law, declared void. And all bonds which have been or may hereafter be taken by any Court of Pleas and Quarter Sessions, upon the admission of any person to either of the said offices, shall be held and deemed to be valid and effectual in law to all intents and purposes, notwithstanding any defect, insufficiency or irregularity whatever in the election, appointment or admission of such person, or in any of the proceedings of such court in relation thereto.

III. This act shall go into effect from and after its ratification.



LEGISLATURE OF NORTH CAROLINA,  
IN SENATE, DECEMBER 10, 1844.

A BILL

More effectually to prevent the imprisonment of Honest Debtors.

Sect. I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That hereafter no *capias ad satisfaciendum* shall issue, unless the plaintiff, his agent or attorney shall make affidavit, in writing, before the Clerk of the Court in which such judgment may be, or the Justice of the Peace to whom application is made for such process, that the defendant has not property to satisfy such judgment which can be reached by a *feri facias*, and has property, money or effects which cannot be reached by *feri facias*, or has fraudulently concealed his property, money or effects, or is about to remove from the State.

Sect. II. *Be it further enacted,* That no Court in this State shall permit an issue of fraud to be made up and tried under the provisions of the act for the relief of insolvent debtors, Rev. Stat. chap. 58, sec. 10th, unless the creditor, his agent or attorney shall file a suggestion, in writing, of such fraud or concealment, therein specifying the particulars of such fraud or concealment, and shall annex to the said suggestion his affidavit that he verily believes the matters therein stated are true.

Sect. III. *Be it further enacted,* That whenever the plaintiff, in any judgment, shall be desirous of subjecting the bail of the defendant in such judgment to the payment thereof, such plaintiff shall be at liberty to proceed in the first instance by *scire facias* against such bail, without having previously issued any *capias ad satisfaciendum* against the defendant, but such *scire facias* shall not stand for trial at the appearance term.

[Amended bill, as reported by the Judiciary Committee.]

LEGISLATURE OF NORTH CAROLINA.

IN SENATE, DEC. 10, 1844.

RESOLUTION

Requesting the payment by the General Government, of the 4th instalment due under the Deposit Act.

Whereas, by the thirteenth section of an Act of Congress, approved 13th of June, 1836, and entitled "An Act to regulate the deposits of the public money," it was enacted that the money which should be in the Treasury of the United States, on the first day of January, 1837, reserving the sum of five millions of dollars, should be deposited with the several States, in proportion to their respective representation in the Senate and House of Representatives of the United States; and by the fourteenth section of the said Act, the said deposits were directed to be made as follows: one quarter part on the 1st of January, 1837, or as soon thereafter as may be; one quarter part on the first day of April; one quarter part on the first day of July; and one quarter part on the 1st day of October of the same year: And whereas after the payment of the first three instalments, by an Act of Congress in that behalf made, the payment of the remaining instalment was postponed and has never yet been paid: And whereas it appears by a report of the public Treasurer of this State that the Treasurer has borrowed of the Fund for Internal Improvement and the Literary Fund the sum of seventy thousand, nine hundred and fifty four dollars and ninety seven cents, during the past fiscal year, in order to meet demands upon the Treasury of the State; and also that the sum of two hundred and fifty thousand six hundred and sixty dollars must be provided before the next session of the General Assembly, in order to meet the liabilities of the State beyond the usual expenditures for the support of the State Government:

And whereas it appears, by the Message of the President of the United States, to both Houses of Congress at their present Session, that there will be in the treasury of the United States, at the end of the present fiscal year, a surplus beyond the current



31 demands upon the Revenue of more than seven millions of dol-  
 32 lars; and, consequently, it appears that the necessities of the  
 33 Government of the United States do not require a further post-  
 34 ponement of the deposit of the said fourth instalment—the im-  
 35 mediate payment of which is necessary, so far as this State is  
 36 concerned, to meet extraordinary demands upon her Revenue  
 37 without recourse to additional taxes upon her people—Therefore,

*Resolved by the General Assembly of the State of North*  
 2 *Carolina*, That the Senators and Representatives in Congress  
 3 from this State, be requested to use their utmost exertions to ob-  
 4 tain the passage of an Act of Congress, or such other action of  
 5 that body as may be proper and necessary to the speedy pay-  
 6 ment of the said fourth instalment.

*Resolved*, That His Excellency the Governor, be requested to  
 2 transmit copies of the above preamble and resolution to the said  
 3 Senators and Representatives, and to desire, on the part of this  
 4 General Assembly, that the same be laid before the two houses  
 5 of Congress.

## LEGISLATURE OF NORTH CAROLINA.

HOUSE OF COMMONS, DEC. 9, 1844.

## REPORT AND BILL

ON THE FURTHER

## RELIEF OF HONEST INSOLVENT DEBTORS.

## REPORT.

The Committee on the Judiciary, to whom was referred a bill, entitled "A Bill for the further relief of honest insolvent debtors," have had the same under consideration, and beg leave to report, that they are of opinion that if the bill should become a law, it should be amended in the following particulars:

These amendments they deem essential to the passage of the bill into a law. And a majority of your committee are of opinion that the bill, even with these, ought not to become a law, and they will assign their reasons. They are aware that oppression may, occasionally, be practised by a creditor under the law respecting *ca. sas*. as it exists; the cases, most frequently complained of, are those in which it is sought to squeeze the money out of the friends of the debtor, who, rather than witness the degradation of his sworn insolvency, will subject themselves to the payment of the debt. Instances of this kind, it is admitted, do sometimes occur. But your committee are far from believing that they would not occur, or would be diminished by requiring from the creditor such an oath as that prescribed by the bill—creditors who will resort to such means to enforce the payment of their debt, will rarely, if ever, be deterred by the oath required of them. The oath is, in terms, necessarily so general and indefinite, that a conviction for perjury is utterly impracticable; for the fact sworn to is a matter of belief, the sincerity of which no human eye can probe. Besides, creditors are always suspicious of unfairness in the debtor, and "trifles light as air" will determine their convictions. The requirement of an oath, will, in a short time, establish it as a mere preliminary ceremony to the issuing



of process; and formal perjuries will become frequent, and, indeed so common, as to destroy the odium of rash, not to say false, swearing. All experience proves this; and your committee believe that its only effect will be a deterioration of morals, and the making of bad men worse. Again, it has happened even in this State, and the occurrence is frequent elsewhere, that combinations are formed against bidding for the property of debtors, and the most effectual restraint, in the opinion of your committee, against such combinations, is the efficacy of this writ.

The bill seeks to give relief to the debtor, but with the incaution common to all warm pursuits, it leaves undefended his sureties. It is of common occurrence in every part of the State, that the creditor, through very proper feelings of sympathy for the surety, will either pursue the plan for collection designated by him, or give him the entire control of the execution. How, under this bill, can a creditor issue his *ca. sa.* against a fraudulent principal where the surety has property to be reached by a *fi. fa.*? Every execution must follow the judgment, and issue against as many persons as the judgment has been rendered against. So that under this bill, a fraudulent debtor cannot be pursued where there is a solvent surety. Nor is there any mode by which such a debtor can be reached, except by payment of the debt by the surety, and a suit by him against the debtor, in which, in order to effect a recovery, the surety must prove that he has *paid and discharged* (not by executing his bond, but by cash or its equivalent, in property,) the amount sued for. The inevitable consequence of such a law as this bill provides for, is, to sacrifice in every instance, the surety to a fraudulent principal. There is no escape from it. The creditor *himself* is stopped short by the oath and the solvency of the surety; and the surety, by taking an assignment of the judgment, is no better off, since he cannot make the oath, being one of the debtors; and even if he could, he would be compelled to swear to his own insolvency.

If the bill were so modified as to allow a *ca. sa.* where *one* of several defendants was concealing his property, the *ca. sa.* would be equally oppressive as it now is, upon the *solvent* parties.

Your committee see the following results as certain consequences from the proposed law:

*First*, A fruitful source of formal perjuries, or rash swearing.

*Secondly*, The allowance of illegal combinations to prevent sales in times of distress; and

*Thirdly*, A sacrifice of sureties to fraudulent principals, tending necessarily, in many instances, to the ruin of the sureties.

Your committee, therefore, recommend the rejection of the bill.

But as it is a favorite with many, and its principle admitted by all to be benevolent, and supposed by some to be capable of further amendment, they recommend that the amendments already proposed be adopted, and that the bill be printed.

B. F. MOORE, *Chairman.*

## A BILL

For the further relief of honest Insolvent Debtors.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,*  
 2 That on all debts hereafter contracted, upon which judgments  
 3 shall be obtained, no *capias ad satisfaciendum* shall issue, un-  
 4 less the plaintiff, his agent or attorney, shall make affidavit in  
 5 writing before the Clerk of the Court or Justice of the Peace  
 6 where such Judgment may have been rendered, that he or she  
 7 has cause to believe, and does believe, that the defendant has not  
 8 sufficient property on which a *fieri facias* may be levied to sat-  
 9 isfy the debt and costs, and that he has property which cannot  
 10 be reached by *fieri facias*, or has fraudulently concealed his pro-  
 11 perty, money or effects, or is about to remove from the State.

II. *Be it further enacted,* That whenever the plaintiff, in any  
 2 judgment, shall be desirous of subjecting the bail of the defend-  
 3 ant in such judgment to the payment thereof, he shall be at liber-  
 4 ty to proceed in the first instance by *scire facias* against such bail  
 5 without any *capias ad satisfaciendum* previously issued thereto  
 6 against the defendant: and such *scire facias*, when pleaded to,  
 7 shall stand for trial at the succeeding term.

III. *Be it further enacted,* That this act shall be in force from  
 2 and after its ratification.



## LEGISLATURE OF NORTH CAROLINA.

IN SENATE, DECEMBER 7, 1844.

## A BILL

To re-assess the Land of the State.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That it shall be the duty of the several County Courts in this State, at the respective terms in 1845, and every five years thereafter, when they shall appoint Justices of the Peace to take the list of taxables, to appoint two respectable freeholders to be associated with such Justice, who, together with such Justice, shall be styled the "Board of Valuation"; and it shall be the duty of such Board to ascertain, as accurately as may be practicable, the cash valuation of the Land in the district to which they belong, and to return the same to their respective County Courts in the manner herein prescribed: Provided, said Justices and Freeholders may, if they deem it necessary, call upon any person to testify as to the value of any Land which may be, or which should have been listed; and they are authorized in such case, to administer an oath to the person so called upon: Provided further, That in case the County Courts shall fail to appoint a Board of Valuation at the terms when they shall appoint Justices of the Peace to take the list of Taxables, they shall appoint such Board at the next term.

II. Be it further enacted, That if one or both of said freeholders should die, become incapable or refuse to act, before the duties of his or their appointment shall have been performed, then and in that case, such Justice shall give notice thereof to two respectable freeholders resident within his district, of such death, incapability or refusal to act; and it shall be the duty of the freeholders thus notified together with the Justice to proceed to supply such vacancy.

III. Be it further enacted, That hereafter, no person, in listing his or her Land for taxation, shall be required to state the value thereof upon oath; and if any individual shall deem him or her

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LEGISLATURE OF NORTH CAROLINA,  
IN SENATE, DECEMBER 7, 1844.

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A BILL

To re-assess the Land of the State.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,*  
That it shall be the duty of the several County Courts in this State, at the respective terms in 1845, and every five years thereafter, when they shall appoint Justices of the Peace to take the list of taxables, to appoint two respectable freeholders to be associated with such Justice, who, together with such Justice, shall be styled the "Board of Valuation;" and it shall be the duty of such Board to ascertain, as accurately as may be practicable, the cash valuation of the Land in the district to which they belong, and to return the same to their respective County Courts in the manner herein prescribed: *Provided*, said Justices and Freeholders may, if they deem it necessary, call upon any person to testify as to the value of any Land which may be, or which should have been listed; and they are authorised in such case, to administer an oath to the person so called upon: *Provided further*, That in case the County Court shall fail to appoint a Board of Valuation at the terms when they shall appoint Justices of the Peace to take the list of Taxables, they shall appoint such Board at the next term.

II. *Be it further enacted*, That if one or both of said freeholders should die, become incapable or refuse to act, before the duties of his or their appointment shall have been performed, then and in that case, such Justice shall give notice thereof to two respectable freeholders resident within his district, of such death, incapability or refusal to act; and it shall be the duty of the freeholders thus notified together with the Justice to proceed to supply such vacancy.

III. *Be it further enacted*. That hereafter, no person, in listing his or her Land for taxation, shall be required to state the value thereof upon oath; and if any individual shall deem him or her-



4 self injured by too high a valuation, it shall be competent for the  
5 ensuing County Court to reduce the same, upon motion, and sat-  
6 isfactory proof of such allegation.

IV. *Be it further enacted*, That the Board of Valuation shall  
2 annex to their respective returns, the following affidavit, signed by  
3 them and certified by some Justice of the Peace, who is hereby  
4 fully empowered to take such affidavit: "We solemnly swear that  
5 the foregoing valuations of Land made by us, are, in our judgment  
6 and belief, the actual value thereof in cash; and that in making  
7 the same, we have endeavored to do equal justice to the public  
8 and to the individuals concerned; so help us God." And the  
9 said Justices of the Peace and freeholders shall receive the sum of  
10 one dollar each per day, for every day they may be necessarily  
11 engaged in making such valuations and returns, to be paid out of  
12 the taxes levied for county purposes.

## REPORT

The Committee on the Judiciary, to whom was referred a bill to  
amend the Revised Statutes concerning Executions, have considered  
the same and beg leave to report, that the purpose of the proposed  
law is to abolish one of the writs of execution allowed by our law  
called an *Exigat*—a writ seldom used, wholly unnecessary to attain  
the ends of justice and never resorted to except to overreach bona  
fide sales and establishments with which the great body of the people  
is entirely unacquainted. It is capable of being used to destroy titles  
acquired at public sale for full price and without notice. It was al-  
lowed by an ancient English statute which being in force, was incor-  
porated into our revised law in the year 1836. The just object of  
its first allowance was to subject the profits of real estate to the pay-  
ment of debts, as the real estate itself could not be sold for that pur-  
pose. The sheriff executes it by delivering the chattels of the debtor  
and one half of his land to the creditor, who holds them till the debt  
is paid, without any power to sell the land. No matter when issued,  
it within a year and a day, the execution binds whatever the debtor  
had at the rendition of the judgment—thus operating as a secret lien,  
which the people knew nothing of, are unused to, and may be per-  
verted to fraudulent purposes. Since the passage of the English sta-  
ute already referred to, the most ample laws have been passed to  
subject to sale all the property subject to the operation of this writ,  
thereby rendering it useless. Your committee therefore recommend  
the passage of the bill referred into a law without amendment.

B. F. MOORE, C.W.

## LEGISLATURE OF NORTH CAROLINA,

IN SENATE, DECEMBER 7, 1844.

## REPORT AND BILL

ON THE

## WRIT COMMONLY CALLED AN ELEGIT.

## REPORT.

The Committee on the Judiciary, to whom was referred a bill to amend the Revised Statutes concerning Executions, have considered the same and beg leave to report, that the purpose of the proposed law is to abolish one of the writs of execution allowed by our law called an *Elegit*—a writ seldom used, wholly unnecessary to attain the ends of justice, and never resorted to except to overreach *bona fide* sales, and establish liens with which the great body of the people is entirely unacquainted. It is capable of being used to destroy titles acquired at public sale for full price and without notice. It was allowed by an ancient English statute, which being in force, was incorporated into our revised law in the year 1836. The just object of its first allowance was to subject the *profits* of *real* estate to the payment of debts, as the real estate itself could not be sold for that purpose. The sheriff executes it by delivering the chattels of the debtor, and one half of his land to the creditor, who holds them till the debt is paid, without any power to sell the land. No matter when issued, if within a year and a day, the execution binds whatever the debtor had at the rendition of the judgment—thus operating as a secret lien, which the people knew nothing of, are unused to, and may be perverted to fraudulent purposes. Since the passage of the English statute already referred to, the most ample laws have been passed to subject to sale all the property subject to the operation of this writ, thereby rendering it useless. Your committee therefore recommend the passage of the bill referred into a law without amendment.

B. F. MOORE, *Clerk*.



## A BILL

To amend the Revised Statutes concerning Executions.

*Be it enacted*, That so much of the third section of the Revised  
2 Statutes entitled "Executions," as authorizes the Plaintiff in any  
3 action to sue out the writ commonly called an *Elegit*, shall be,  
4 and the same is hereby repealed.

